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OF THE

Forty-Seventh Legislature

OF THE

State of Montana

Volume I

Held in Helena, the Seat of Government
Commencing in Regular Session January 5, 1981 and
Ending April 23, 1981

Jean Turnage
President of the Senate

John Larson
Secretary of the Senate

Dorothy ZurMuehlen
Journal Clerk

Data Entry Clerks
Patty Taylor
Martha Lowe

PUBLISHED BY
THE MONTANA LEGISLATIVE COUNCIL

SENATE JOURNAL

OF THE

Forty-Seventh Legislature

OF THE

State of Montana

Commencing in Regular Session

January 5, 1981 and Ending April 23, 1981

Published by
The Montana Legislative Council
Room 138 State Capitol
Helena, Montana 59620

Diana S. Dowling
Executive Director

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Printed by
COLOR WORLD OF MONTANA, INC.
201 E. Mendenhall, Bozeman, MT 59715

OFFICERS AND MEMBERS OF THE MONTANA SENATE 1981

50 Members

29 Republicans — 46 Men
21 Democrats — 4 Women

OFFICERS

President ..... Jean A. Turnage
President Pro Tempore ..... Allen Kolstad
Majority Floor Leader ..... Stan Stephens
Majority Whip ..... Ed Smith
Minority Floor Leader ..... Chet Blaylock
Minority Whip ..... Bill Norman
Secretary of the Senate ..... John Larson

MEMBERS

NAME	RESIDENCE OR MAILING ADDRESS	DIST. NO.	COUNTY OF RESIDENCE	POLITICS
*Aklestad, Gary C.	638 First Street South, Shelby 59474	6	Toole	Republican
*Anderson, Mike	5485 Spaulding Bridge Rd., Belgrade 59714	40	Gallatin	Republican
Berg, Harry K.	3309 17th Ave. So., Great Falls 59405	21	Cascade	Democrat
*Blaylock, Chet	502 3rd Avenue, Laurel 59044	35	Yellowstone	Democrat
*Boylan, Paul F.	3747 So. 19th Rd., Bozeman 59715	38	Gallatin	Democrat
Brown, Bob	Route #2, Whitefish 59937	10	Flathead	Republican
*Brown, Steve	917 Cannon, Helena 59601	15	Lewis and Clark	Democrat
*Conover, Max	P.O. Box 46, Broadview 59015	36	Yellowstone	Democrat
Crippen, Bruce D.	3015 Gregory Drive, Billings 59102	33	Yellowstone	Republican
Dover, Harold L.	712 7th Avenue North, Lewistown 59457	24	Fergus	Republican
Eck, Dorothy	10 West Garfield, Bozeman 59715	39	Gallatin	Democrat
Elliott, Roger H.	P.O. Box R, Columbia Falls 59912	8	Flathead	Republican
Etchart, Mark	514 6th Ave., Glasgow 59230	2	Valley	Republican
*Galt, Jack E.	Martinsdale 59053	23	Meagher	Republican
*Goodover, Pat M.	803 Forest Avenue, Great Falls 59404	22	Cascade	Republican
Graham, Carroll	Drawer K, Lodge Grass 59050	29	Big Horn	Democrat
*Hafferman, William F.	Route 3, Box 1274, Libby 59923	11	Lincoln	Democrat
Haffey, Jack	709 West 4th Street, Anaconda 59711	45	Deer Lodge	Democrat
Hager, Tom	150 Norris Court, Billings 59101	30	Yellowstone	Republican
*Halligan, Michael Lewis	435 University, Missoula 59801	48	Missoula	Democrat
Hammond, H. W. "Swede"	P.O. Box 1366, Malta 59538	3	Phillips	Republican
Hazelbaker, Frank W.	P.O. Box 430, Dillon 59725	41	Beaverhead	Republican
*Healy, John E. "Jack"	624 W. Granite, Butte 59701	44	Silver Bow	Democrat
*Himsl, Matt	305 4th Avenue E, Kalispell 59901	9	Flathead	Republican
Jacobson, Judy H.	1400 West Gold, Butte 59701	42	Silver Bow	Democrat
Johnson, Jan	Box 2549, Missoula 59801	49	Missoula	Republican
Keating, Thomas F.	2003 Willowbrook Way, Billings 59102	32	Yellowstone	Republican
*Kolstad, Allen C.	Box 648, Chester 59522	5	Liberty	Republican
Lee, Gary P.	P.O. Box 6, Rte. 1, Fort Shaw 59443	17	Cascade	Republican
*Manley, John E.	Drummond 59832	14	Granite	Republican
*Manning, Dave	Hysham 59038	25	Treasure	Democrat
Mazurek, Joseph P.	516 Hayes, Helena 59601	16	Lewis and Clark	Democrat
McCallum, George	Niarada 59852	12	Sanders	Republican
*Nelson, Harold C.	704 3rd Street S.E., Cut Bank 59427	7	Glacier	Republican
*Norman, Bill	440 Connell Avenue, Missoula 59801	47	Missoula	Democrat
Ochsner, J. Donald	Broadus Route, Miles City 59301	26	Custer	Republican
*O'Hara, Jesse A.	257-21st Ave. N.W., Great Falls 59404	18	Cascade	Republican
*Olson, S. A.	P.O. Box 928, Glendive 59330	28	Dawson	Republican
*Regan, Pat	204 Mountain View, Billings 59101	31	Yellowstone	Democrat
*Ryan, Patrick L.	3104 2nd Avenue S., Great Falls 59405	19	Cascade	Democrat

NAME	RESIDENCE OR MAILING ADDRESS	DIST. NO.	COUNTY OF RESIDENCE	POLITICS
*Severson, Elmer D.	Rte. 3, Box 480, Middle Burnt Fork Rd., Stevensville 59870	46	Ravalli	Republican
Smith, Ed B.	P.O. Box 11, Dagmar 59219	1	Sheridan	Republican
*Stephens, Stan	422 3rd Street, Havre 59501	4	Hill	Republican
Stimatz, Lawrence G.	1615 C Street, Butte 59701	43	Silver Bow	Democrat
*Story, Pete	Emigrant 59027	37	Park	Republican
Thomas, Bill	3440 12th Avenue S., Great Falls 59405	20	Cascade	Democrat
*Towe, Thomas E.	2739 Gregory Drive S., Billings 59102	34	Yellowstone	Democrat
Turnage, Jean A.	P.O. Box 450, Polson 59860	13	Lake	Republican
Tveit, Larry J.	Route 1, Box 117, Fairview 59221	27	Richland	Republican
Van Valkenburg, Fred	219 University, Missoula 59801	50	Missoula	Democrat

*Term Expires Jan., 1983
All Other Terms Expire Jan., 1985

SENATE STANDING COMMITTEES

Agriculture, Livestock and Irrigation

M.W.F., 1:00-3:00 p.m., Room 415

Galt, Jack, Chairman
Kolstad, Allen, Vice-Chairman
Aklestad, Gary
Boylan, Paul
Conover, Max
Eck, Dorothy
Graham, Carroll
Lee, Gary
Ochsner, Donald

Council Staff: Anne Brodsky

Bills and Journal

On Call

O'Hara, Jesse, Chairman
Crippen, Bruce, Vice-Chairman
Halligan, Michael
Jacobson, Judy
Tveit, Larry

Business and Industry

M.W.F., 10:00-12:00 noon, Room 404

Hazelbaker, Frank, Chairman
Goodover, Pat, Vice-Chairman
Blaylock, Chet
Boylan, Paul
Dover, Harold
Kolstad, Allen
Lee, Gary
Regan, Pat

Council Staff: Greg Petesch

Committee on Committees

Galt, Jack E., Chairman
Kolstad, Allen C.
McCallum, George
Brown, Bob
O'Hara, Jesse

Education and Cultural Resources

M.W.F., 1:00-3:00 p.m., Room 402

Brown, Bob, Chairman
Smith, Ed, Vice-Chairman
Blaylock, Chet
Haffey, Jack
Hammond, "Swede"
Mazurek, Joe
McCallum, George
Severson, Elmer
Thomas, Bill

Council Staff: Andrea Merrill

Finance and Claims

Mon thru Fri, 8:00-11:30 a.m., Room 108

Himsl, Matt, Chairman
Etchart, Mark, Vice-Chairman
Aklestad, Gary
Boylan, Paul
Dover, Harold
Haffey, Jack
Jacobson, Judy
Johnson, Jan
Keating, Thomas
Nelson, Harold
Regan, Pat
Smith, Ed
Stimatz, Lawrence
Story, Pete
Thomas, Bill
Van Valkenburg, Fred

Fiscal Analyst Staff: Judy Rippingale

APPROPRIATIONS — FINANCE AND CLAIMS
Joint Subcommittees

Education and Cultural Resources

Representative Donaldson, Chairman
Representative Thoft
Representative Bengtson
Senator Nelson, Vice-Chairman
Senator Haffey
Senator Jacobson

Fiscal Analyst Staff: Curt Nichols
Bruce Shively
John Bebee

Human Services

Representative Hurwitz, Chairman
Representative Waldron
Representative Bardanouve
Senator Story, Vice-Chairman
Senator Aklestad
Senator Regan

Fiscal Analyst Staff: Judy Rippingale
John Bebee

Institutions

Representative Moore, Chairman
Representative Ernst
Representative Conroy
Senator Etchart, Vice-Chairman
Senator Thomas
Senator Johnson

Fiscal Analyst Staff: Ray Hoffman
Norman Rostocki

Legislative, Judicial, Administrative

Representative Lory, Chairman
Representative Shontz
Representative Quilici
Senator Dover, Vice-Chairman
Senator Keating
Senator Van Valkenburg

Fiscal Analyst Staff: JanDee May
Barbara Bartell

Long Range Building

Representative Moore, Chairman
Representative Bardanouve
Representative Donaldson
Representative Hurwitz
Representative Manuel
Senator Etchart, Vice-Chairman
Senator Haffey
Senator Thomas
Senator Himsl

Fiscal Analyst Staff: Bob Robinson
Ray Hoffman

Natural Resources and Business Regulation

Representative Stobie, Chairman
Representative Hemstad
Representative Manuel
Representative Cozzens
Senator Smith, Vice-Chairman
Senator Boylan
Senator Stimatz

Fiscal Analyst Staff: Bob Robinson

Fish and Game

T.Th.Sat., 1:00-3:00 p.m., Room 402

Smith, Ed, Chairman
Galt, Jack, Vice-Chairman
Berg, Harry
Eck, Dorothy
Jacobson, Judy
Lee, Gary
Severson, Elmer

Council Staff: Andrea Merrill

Highways and Transportation

T.Th.Sat., 1:00-3:00 p.m., Room 410

Etchart, Mark, Chairman
Hager, Tom, Vice-Chairman
Elliott, Roger
Graham, Carroll
Hazelbaker, Frank
Healy, Jack
Manning, Dave
Stimatz, Lawrence
Tveit, Larry

Council Staff: Paul Verdon

Judiciary

Mon thru Fri, 10:00-12:00 noon, Room 331

Anderson, Mike, Chairman
O'Hara, Jesse, Vice-Chairman
Berg, Harry K.
Brown, Bob
Brown, Steve
Crippen, Bruce
Halligan, Michael
Mazurek, Joe
Olson, S.A.
Tveit, Larry

Council Staff: David Niss

Labor and Employment Relations

T.Th.Sat., 1:00-3:00 p.m., Room 404

Nelson, Harold, Chairman
Aklestad, Gary, Vice-Chairman
Anderson, Mike
Goodover, Pat
Hafferman, William
Keating, Thomas
Norman, Bill
Ryan, Patrick

Council Staff: Katherine Orr

Legislative Administration

On Call

Kolstad, Allen, Chairman
McCallum, George, Vice-Chairman
Graham, Carroll
Hazelbaker, Frank
Mazurek, Joe

Local Government

T.Th.Sat., 1:00-3:00 p.m., Room 405

McCallum, George, Chairman
O'Hara, Jesse, Vice-Chairman
Conover, Max
Ochsner, Donald
Story, Peter
Thomas, Bill
Van Valkenburg, Fred

Council Staff: Deborah Schmidt

Natural Resources

M.W.F., 1:00-3:00 p.m., Room 405

Dover, Harold, Chairman
Etchart, Mark, Vice-Chairman
Brown, Steve
Elliott, Roger
Hafferman, William
Keating, Thomas
Manley, John
Manning, Dave
O'Hara, Jesse
Ryan, Patrick
Tveit, Larry
Van Valkenburg, Fred

Council Staff: Katherine Orr

Public Health, Welfare, and Safety

M.W.F., 1:00-3:00 p.m., Room 410

Hager, Tom, Chairman
Himsl, Matt, Vice-Chairman
Berg, Harry
Halligan, Michael
Johnson, Jan
Norman, Bill
Olson, S.A.

Council Staff: Kathleen Harrington

Rules

On Call

Stephens, Stan, Chairman
Hazelbaker, Frank, Vice-Chairman
Blaylock, Chet
Boylan, Paul
Galt, Jack
Graham, Carroll
Kolstad, Allen
Norman, Bill
Smith, Ed
Turnage, Jean

Council Staff: Diana Dowling

State Administration

Mon thru Fri, 10:00-12:00 noon, Room 442

Story, Pete, Chairman
Kolstad, Allen, Vice-Chairman
Hafferman, William
Hammond, "Swede"
Johnson, Jan
Ryan, Patrick
Towe, Thomas

Council Staff: John Hollow

Taxation

Mon thru Fri, 8:00-10:00 a.m., Room 415

Goodover, Pat, Chairman
McCallum, George, Vice-Chairman
Brown, Bob
Brown, Steve
Crippen, Bruce
Eck, Dorothy
Elliott, Roger
Hager, Tom
Healy, Jack
Manley, John
Norman, Bill
Ochsner, Donald
Severson, Elmer
Towe, Thomas

Council Staff: Cort Harrington

LEGISLATIVE COMMITTEES

Administrative Code Committee

Senate	House
Lawrence G. Stimatz, V.-Chr.	Chris Stobie, Chr.
H. W. Hammond	Fritz Daily
Pete Story	Hal Harper
Bill Thomas	James Schultz

Capitol Building and Planning Committee

Senate	House
Chet Blaylock	W. Jay Fabrega
Max Conover	Dan W. Harrington
Carroll Graham, V.-Chr.	Joe F. Kanduch
Jan Johnson	Bob Marks
S. A. Olson	Bobby Spilker, Chr.
Pete Story	Jerry Metcalf

Morris Brussett, Director
Department of Administration
Phil Hauck, Administrator
Architecture & Engineering Division
Dave Lewis, Governor's Office
Gus Byrom, Lewis & Clark Areawide
Planning Organization

Energy Policy Committee

Senate	House
Harry Berg	James Azzara
Chet Blaylock	Aubyn Curtiss
Harold Dover	Dan Kemmis
Jean Turnage	Bob Marks

Environmental Quality Council

Senate	House
Dorothy Eck	Dave Brown, V.-Chr.
Harold Dover	Gay Holliday
Michael Halligan	Dennis Iverson, Chr.
Gary Lee	Dean Switzer

Mr. Leslie Pengelly
Mr. Dennis Nathe

Forestry Task Force

Senate	House
Elmer D. Severson	Joe Kanduch
William F. Hafferman	Burt Hurwitz

Indian Affairs

Senate	House
Max Conover	Tom Asay
Carroll Graham	Tom Conroy, Chr.
Harold Nelson	Roland Kennerly
Larry Tveit	Carl Seifert, V.-Chr.

Legislative Audit Committee

Senate	House
Matt Himsl, Chr.	Kathleen McBride, V.-Chr.
Steve Brown	Jim Burnett
Frank Hazelbaker	Robert Anderson
Chet Blaylock	Steve Waldron

Legislative Consumer Committee

Senate	House
Paul Boylan	Earl Lory
Allen Kolstad	Joe Quilici

Legislative Council

Senate	House
Pat Goodover, Chr.	John Vincent, V.-Chr.
Carroll Graham	Burt Hurwitz
Joseph Mazurek	Rex Manuel
Jesse O'Hara	Bobby Spilker

Legislative Finance Committee

Senate	House
Gary Aklestad	Francis Bardanouve
Jack Haffey	Esther Bengtson
George McCallum	Tom Conroy, V.-Chr.
Pat Regan	Gene Donaldson
Ed Smith, Chr.	Bob Marks
Fred Van Valkenburg	Jack Moore

Districting and Apportionment Commission

Senate	House
Eugene Mahoney, Chr.	John Kuhr
Nancy Aagenes	James Pasma
Louise Galt	

Revenue Oversight Committee

Senate	House
Bob Brown	Jay Fabrega, V.-Chr.
Jack Galt	Herb Huennekens
Bill Norman	Kenneth Nordtvedt
Patrick Ryan	John Shontz
Thomas Towe, Chr.	Robert Sivertsen
Jean Turnage	J. Melvin Williams

Coal Tax Advocacy Oversight Committee

Senate	House
Stan Stephens, Chr.	Harrison Fagg
Chet Blaylock	John Vincent

Coal Tax Oversight Subcommittee

Senate	House
Roger H. Elliott	Glenn Roush
Dave Manning, V.-Chr.	Cal Winslow, Chr.

Water Resources Oversight Committee

Senate	House
Paul F. Boylan	Hubert Abrams
Mark Etchart	Ted Neuman
Tom Hager, Chr.	Audrey Roth, V.-Chr.
Lawrence G. Stimatz	Bob Thoft

SENATE JOURNAL

OF THE

Forty-seventh Legislature

OF THE

State of Montana

FIRST LEGISLATIVE DAY

Helena, Montana
January 5, 1981

Senate Chambers
Capitol Building

At 12:00 o'clock noon, the Senate of the Forty-seventh Legislature of the State of Montana was called to order with Senator Dave Manning presiding.

There being no objection, Senator Manning appointed the Reverend Keith Lokensgard of Helena as temporary Chaplain of the Senate, and Earl Moritz of Lewistown, Montana, as temporary Sergeant-at-Arms of the Senate.

With members of the Montana National Guard participating, the posting of the colors and the Pledge of Allegiance followed. Reverend Lokensgard gave the invocation.

Without objection, Senator Manning appointed John W. Larson of Helena, Montana as temporary Secretary of the Senate.

At the direction of Senator Manning, the temporary Secretary called the roll of the newly elected Senators by district. The following Senators responded thereto:

District No. 1, Ed B. Smith; District No. 2, Mark Etchart; District No. 3, H. W. "Swede" Hammond; District No. 8, Roger Elliott; District No. 10, Bob Brown; District No. 12, George McCallum; District No. 13, Jean A. Turnage; District No. 16, Joseph P. Mazurek; District No. 17, Gary P. Lee; District No. 20, Bill Thomas; District No. 21, Harry K. Berg; District No. 24, Harold L. Dover; District No. 26, J. Donald Ochsner; District No. 27, Larry J. Tveit; District No. 29, Carroll Graham; District No. 30, Tom Hager; District No. 32, Thomas F. Keating; District No. 33, Bruce D. Crippen; District No. 39, Dorothy Eck; District No. 41, Frank W. Hazelbaker; District No. 42, Judy H. Jacobson; District No. 43, Lawrence G. Stimatz; District No. 45, Jack Haffey; District No. 48, Michael

Halligan; District No. 49, Jan Johnson; District No. 50, Fred Van Valkenburg.

The Associate Justice of the Supreme Court, the Honorable John C. Sheehy was admitted to the Senate Chamber and he administered the following constitutional oath of office to the Senators-elect who subscribed to same:

"I do solemnly swear that I will support, protect and defend the Constitution of the United States and the Constitution of the State of Montana, and that I will discharge the duties of my office as Senator with fidelity. SO HELP ME GOD."

At the direction of Senator Manning, the temporary Secretary called the complete roll of the Senate. The following Senators responded thereto:

Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg.

All members were present. Senator Manning announced that the Senate of the Forty-seventh Legislature was duly organized and ready for business.

MOTIONS

Senator Stephens moved that the rules of the Senate and the joint rules of the Senate and House of Representatives of the Forty-sixth Legislature be the temporary rules of the Forty-seventh Legislature. The motion carried unanimously.

Senator Stephens moved that Senator Turnage of District 13 be nominated for the office of the President of the Senate of the Forty-seventh Legislature and moved that his election carry with it the name of Senator Kolstad of District 5 for the office of President Pro Tempore.

Senator Blaylock moved that Senator Graham of District 29 be nominated for the office of the President of the Senate of the Forty-seventh Legislature and moved that his election carry with it the name of Senator Healy of District 44 for the office of President Pro Tempore.

Thereupon, the roll was called for the following nominations:

For Senator Turnage: Aklestad, Anderson, B. Brown, Crippen, Dover, Elliott, Etchart, Galt, Goodover, Graham, Hager, Hammond, Hazelbaker, Himsl, Johnson, Keating, Kolstad, Lee, Manley, McCallum, Nelson, Ochsner, O'Hara, Olson, Severson, Smith, Stephens, Story, Tveit.
Total 29

For Senator Graham: Berg, Blaylock, Boylan, S. Brown, Conover, Eck, Hafferman, Haffey, Halligan, Healy, Jacobson, Manning, Mazurek, Norman, Regan, Ryan, Stimatz, Thomas, Towe, Turnage, Van Valkenburg.
Total 21

Senator Manning announced the election of Senator Turnage as President of the Senate of the Forty-seventh Legislature, said nomination having received a majority of the votes cast, which election carried with it the election of Senator Kolstad as President Pro Tempore.

Senator Turnage then assumed the chair of the President of the Senate and made some opening remarks.

Senator Kolstad nominated Senator Stan Stephens of District 4 for the office of Majority Floor Leader of the Senate of the Forty-seventh Legislature and nominated Senator Galt as Chairman of the Senate Committee on Committees along with the following members: Senator B. Brown, Senator Kolstad, Senator McCallum and Senator O'Hara and John W. Larson as Secretary of the Senate.

Senator Norman moved that Senator Chet Blaylock of District 35 be nominated for the office of Majority Floor Leader of the Senate of the Forty-seventh Legislature.

Thereupon, the roll was called for the following nominations:

For Senator Stephens: Aklestad, Anderson, Blaylock, B. Brown, Crippen, Dover, Elliott, Etchart, Galt, Goodover, Hager, Hammond, Hazelbaker, Himsl, Johnson, Keating, Kolstad, Lee, Manley, McCallum, Nelson, Ochsner, O'Hara, Olson, Severson, Smith, Story, Turnage, Tveit.
Total 29

For Senator Blaylock: Berg, Boylan, S. Brown, Conover, Eck, Graham, Hafferman, Haffey, Halligan, Healy, Jacobson, Manning, Mazurek, Norman, Regan, Ryan, Stephens, Stimatz, Thomas, Towe, Van Valkenburg.
Total 21

The President announced the election of Senator Stephens as Majority Floor Leader of the Senate of the Forty-seventh Legislature, said nomination having received a majority of the votes cast, which election carried with it the election of the other nominees named in the above motion of Senator Kolstad.

Senator Blaylock, having received a minority of the votes cast, was elected Minority Floor Leader.

Upon motion of Senator Stephens, duly carried, the President was authorized to appoint a committee of three to notify his Excellency, the Governor, that the Senate was organized and ready for the transaction of business. The President appointed the following committee: Senator Hazelbaker, Chairman, Senator Kolstad and Senator Healy.

Upon motion of Senator Stephens, duly carried, the President was authorized to appoint a committee of three to inform the Chief Justice and associate members of the Supreme Court that the Senate was organized and ready for the transaction of business and to invite the Chief Justice and the associate members of the Supreme Court to attend a joint session of the Senate and the House of Representatives at a time to be designated. The motion carried unanimously. The President appointed Senator Galt, Chairman, Senator Story and Senator Boylan.

Upon motion of Senator Stephens, duly carried, the President was authorized to appoint a committee of three to inform the House of Representatives that the Senate was organized and ready for the transaction of business. The President appointed the following committee: Senator Himsl, Chairman, Senator McCallum and Senator Norman.

Senator Stephens moved that the Senate stand in recess subject to the call of the chair. The motion carried unanimously.

Senate recessed at 12:23 p.m.

Senate resumed at 12:32 p.m.

At the request of the President and without objection, the Senate reverted to Order of Business No. 3.

REPORTS OF SELECT COMMITTEES

The following select committees submitted the following reports:

At this time, the Sergeant-at-Arms announced that the committee from the Honorable House of Representatives was waiting at the door. The committee reported to the Senate.

The committee of three appointed to notify the Governor that the Senate was organized and ready for business returned and reported that it had delivered the message and stated that the Governor offered his best wishes and complete cooperation to the Senate.

The committee of three appointed to notify the Chief Justice and associated members of the Supreme Court that the Senate was duly organized and ready for business returned and reported that it had delivered the message and Chief Justice Haswell wished the Senate success in its deliberations.

The committee of three appointed to notify the House of Representatives that the Senate was duly organized and ready for business made its report which was received. The committee was then thanked and discharged.

MOTIONS

Senator Stephens moved that the accredited members of the press, radio, and television be granted the privilege of the Senate floor subject to the rules. The motion carried unanimously.

REPORTS OF STANDING COMMITTEES

LEGISLATIVE ADMINISTRATION (Kolstad, Chairman):
Respectfully reports as follows:

That the following attaches of the Senate be employed as of 8:00 a.m. January 5, 1981:

Jean Fallan.....Assistant Secretary of the Senate
Patricia Alter.....Secy. to Secretary of Senate
Harriet Celar.....Secy. to Asst. Secretary of Senate
Alice Omang.....Chief Journal Clerk
Dorothy Zur-Muehlen.....Asst. Journal Clerk
Dorothy Hill.....Chief Bills Clerk
Doris Cason.....Asst. Bills Clerk
James Ferron.....Amendments Coordinator
Gayle Aklestad.....Reading Clerk
Stephen Morris.....Reading Clerk
Cort Harrington.....Bills Distributing Clerk
Kent Haaland.....Asst. Bills Distributing Clerk
Bobbie Murphy.....Secy. to Minority Floor Leader
Mel McKay.....Secy. to Majority Floor Leader
Mildred Weber.....Secy. to President
Agnes Lesofski.....Proofreader
LaDonna Knowlton.....Proofreader
Ralph Erving.....Asst. Sgt.-at-Arms
Lowell Purdy.....Asst. Sgt.-at-Arms
Maurice Ullom.....Asst. Sgt.-at-Arms
Don Valiton.....Asst. Sgt.-at-Arms
Bill Campbell.....Doorkeeper
Greg Bogut.....Watchman
Mary E. (Betty) Jakovac.....Chief Steno & Comm. Secy.

Louise L. Sullivan.....Asst. Chief Steno & Comm. Secy.
Robin Campbell.....Comm. Secy.
Betty Dean.....Comm. Secy.
Carol Frasier.....Comm. Secy.
Louise Fulbright.....Comm. Secy.
Sylvia Kinsey.....Comm. Secy.
Minna Miller.....Comm. Secy.
Marjorie Nichols.....Comm. Secy.
Jill Rohyans.....Comm. Secy.
Diane Rudd.....Comm. Secy.
Elaine Rung.....Comm. Secy.
Barbara Simic.....Comm. Secy.
Gail Stockwell.....Comm. Secy.
Rita Tenneson.....Comm. Secy.
Jeanette Thorton.....Comm. Secy.
Betsy Scouten.....Steno
Agnes Hamilton.....Steno
Elizabeth Ann Brook.....Page
Timothy Dover.....Page
J. Dawn Smith.....Page
Marcia Copenhaver.....Page
Terry L. Place.....Page
Brad Brazier.....Page
Monida Vaughan.....Business Manager
Angeline Wierenga.....Asst. Business Manager
Betty S. Paulsen.....Proofreader
Brent Applegrin.....Asst. Bills Coordinator
Cari K. Christian.....Comm. Secy.

Report adopted

FIRST READING OF BILLS

The following Senate bills were introduced, read first time, and referred to committees:

SB 2, introduced by Himsl, (By Request of Committee on Branching of Financial Institutions). Referred to Committee on Business and Industry.

SB 3, introduced by Norman. Referred to Committee on Taxation.

SB 4, introduced by Galt. Referred to Committee on Agriculture, Livestock and Irrigation.

SB 5, introduced by Himsl, (By Request of Committee on Branching of Financial Institutions). Referred to Committee on Business and Industry.

SB 6, introduced by Towe. Referred to Committee on Taxation.

SB 7, introduced by Towe, (By Request of The Revenue Oversight Committee). Referred to Committee on Taxation.

SB 8, introduced by Van Valkenburg, (By Request of Committee on Corrections Policy and Facility Needs). Referred to Committee on Judiciary.

SB 9, introduced by Norman, (By Request of the Legislative Improvement Committee). Referred to Committee on Rules.

SB 10, introduced by Towe, (By Request of the Interim Committee on Corrections Policy and Facility Needs). Referred to Committee on State Administration.

SB 11, introduced by Galt, (By Request of the Revenue Oversight Committee). Referred to Committee on Taxation.

SB 12, introduced by Norman, (By Request of the Legislative Finance Committee). Referred to Committee on Taxation.

SB 13, introduced by Towe, (By Request of the Revenue Oversight Committee). Referred to Committee on Taxation.
SB 14, introduced by Towe, (By Request of Committee on Corrections Policy and Facility Needs). Referred to Committee on Judiciary.
SB 15, introduced by Mazurek. Referred to Committee on Taxation.
SB 16, introduced by Smith. Referred to Committee on Natural Resources.
SB 17, introduced by Thomas, (By Request of the Revenue Oversight Committee). Referred to Committee on Taxation.
SB 18, introduced by Towe. Referred to Committee on Fish and Wildlife.
SB 19, introduced by R. Brown. Referred to Committee on Taxation.
SB 20, introduced by Towe, (By Request of the Revenue Oversight Committee). Referred to Committee on Taxation.
SB 21, introduced by Towe. Referred to Committee on Business and Industry.
SB 22, introduced by McCallum, (By Request of the Legislative Finance Committee). Referred to Committee on Local Government.
SB 23, introduced by McCallum. Referred to Committee on Education.
SB 24, introduced by Hafferman. Referred to Committee on Judiciary.
SB 25, introduced by Hafferman. Referred to Committee on Agriculture, Livestock and Irrigation.
SB 26, introduced by Norman. Referred to Committee on State Administration.
SB 27, introduced by S. Brown. Referred to Committee on Judiciary.
SB 28, introduced by Mazurek, (By Request of the Department of Community Affairs). Referred to Committee on Local Government.
SB 29, introduced by Hager. Referred to Committee on Judiciary.
SB 30, introduced by Goodover. Referred to Committee on Taxation.
SB 31, introduced by Goodover. Referred to Committee on Taxation.
SB 32, introduced by Norman, (By Request of the Workers' Compensation Advisory Council). Referred to Committee on Labor and Employment Relations.
SB 33, introduced by Goodover, (By Request of the Code Commissioner). Referred to Committee on Rules.
SB 34, introduced by S. Brown. Referred to Committee on Taxation.
SB 35, introduced by S. Brown, (By Request of the Study Committee on Annexation Laws). Referred to Committee on Local Government.
SB 36, introduced by Goodover, (By Request of the the Code Commissioner). Referred to Committee on Judiciary.
SB 37, introduced by Himsl, (By Request of the Department of Health and Environmental Sciences). Referred to Committee on Public Health, Welfare and Safety.
SB 38, introduced by Turnage. Referred to Committee on Judiciary.
SB 39, introduced by Goodover, (By Request of the Legislative Council). Referred to Committee on State Administration.
SB 40, introduced by Hafferman. Referred to Committee on Judiciary.
SB 41, introduced by Hafferman. Referred to Committee on Taxation.
SB 42, introduced by S. Brown. Referred to Committee on Taxation.
SB 43, introduced by S. Brown, (By Request of the Attorney General). Referred to Committee on Judiciary.
SB 44, introduced by Elliott. Referred to Committee on Taxation.
SB 45, introduced by Towe. Referred to Committee on Judiciary.
SB 46, introduced by B. Brown. Referred to Committee on State Administration.
SB 47, introduced by Severson, Roth. Referred to Committee on Taxation.

SB 48, introduced by Eck. Referred to Committee on Local Government.
SB 49, introduced by Eck. Referred to Committee on Business and Industry.
SB 50, introduced by McCallum, (By Request of the County Compensation Board). Referred to Committee on Local Government.
SB 51, introduced by Galt. Referred to Committee on Fish and Wildlife.
SB 52, introduced by Regan, (By Request of the Montana Human Rights Commission). Referred to Committee on Labor and Employment Relations.
SB 53, introduced by B. Brown, (By Request of the Department of Revenue). Referred to Committee on Taxation.
SB 54, introduced by B. Brown, (By Request of the Department of Revenue). Referred to Committee on Taxation.
SB 55, introduced by B. Brown, (By Request of the Department of Revenue). Referred to Committee on Taxation.
SB 56, introduced by B. Brown, (By Request of the Montana Human Rights Commission). Referred to Committee on State Administration.
SB 57, introduced by B. Brown, (By Request of the Montana Human Rights Commission). Referred to Committee on Business and Industry.
SB 58, introduced by Van Valkenburg, (By Request of the Department of Health and Environmental Sciences). Referred to Committee on Education.
SB 59, introduced by S. Brown. Referred to Committee on Agriculture, Livestock and Irrigation.
SB 60, introduced by Elliott, (By Request of the Workers' Compensation Advisory Council). Referred to Committee on Labor and Employment Relations.
SB 61, introduced by Elliott. Referred to Committee on Taxation.
SB 62, introduced by Mazurek, (By Request of the Department of State Lands). Referred to Committee on State Administration.
SB 63, introduced by Mazurek, (By Request of the Attorney General). Referred to Committee on Judiciary.

The following Senate Joint Resolution was introduced, read first time, and referred to committee:

SJR 1, introduced by Stephens. Referred to Committee on Rules.

Upon motion of Senator Stephens, duly carried, the Senate adjourned at 12:46 p.m. until Tuesday, January 6, at the hour of 3:00 p.m.

JEAN A. TURNAGE
President of the Senate

JOHN W. LARSON
Secretary of the Senate

SECOND LEGISLATIVE DAY

Helena, Montana
January 6, 1981

Senate Chambers
Capitol Building

Senate convened at 3:00 p.m., President Turnage presiding. Invocation by the Chaplain. Pledge of Allegiance to the Flag.

Roll call. All members present except Conover, excused. Quorum present.

Mr. President: We, your Committee on Bills and Journal, having examined the daily journal for the First Legislative Day, find the same to be correct.

O'Hara, Chairman

REPORTS OF STANDING COMMITTEES

LEGISLATIVE ADMINISTRATION (Kolstad, Chairman)
Respectfully reports as follows:

That the following attache of the Senate be employed as of 8:00 a.m. on January 5, 1981:

Robert M. Felt.....Status Input
Report adopted.

COMMITTEES (Galt, Chairman):
Respectfully report and recommend the following committee appointments, times, dates and room numbers:

FINANCE AND CLAIMS - M T W Th F - 8:00 a.m. - 11:30 a.m. - Room 108

Matt Himsl, Chairman (R)
Mark Etchart, Vice-Chairman (R)
Pete Story (R)
Gary Aklestad (R)
Harold Nelson (R)
Ed Smith (R)
Harold Dover (R)
Jan Johnson (R)
Thomas Keating (R)
Paul Boylan (D)
Pat Regan (D)
Bill Thomas (D)
Lawrence Stimatz (D)
Fred Van Valkenburg (D)
Jack Haffey (D)
Judy Jacobson (D)

JUDICIARY - M T W Th F - 10:00 a.m. - 12:00 noon - Room 331

Mike Anderson, Chairman (R)
Jesse O'Hara, Vice-Chairman (R)
S.A. Olson (R)
Bob Brown (R)
Bruce Crippen (R)
Larry J. Tveit (R)
Steve Brown (D)
Harry Berg (D)

Joseph Mazurek (D)
Michael Halligan (D)

STATE ADMINISTRATION - M T W Th F - 10:00 a.m. - 12:00 noon - Room 442

Pete Story, Chairman (R)
Allen Kolstad, Vice-Chairman (R)
Jan Johnson (R)
H.W. Hammond (R)
William Hafferman (D)
Patrick Ryan (D)
Thomas Towe (D)

TAXATION - M T W Th F - 8:00 a.m. - 10:00 a.m. - Room 415

Pat Goodover, Chairman (R)
George McCallum, Vice-Chairman (R)
Bob Brown (R)
Tom Hager (R)
Elmer Severson (R)
Bruce Crippen (R)
Roger Elliott (R)
Donald Ochsner (R)
John Manley (R)
Bill Norman (D)
Thomas Towe (D)
Jack Healy (D)
Dorothy Eck (D)
Steve Brown (D)

BUSINESS AND INDUSTRY - M W F - 10:00 a.m. - 12:00 noon - Room 404

Frank Hazelbaker, Chairman (R)
Pat Goodover, Vice-Chairman (R)
Harold Dover (R)
Allen Kolstad (R)
Gary Lee (R)
Pat Regan (D)
Chet Blaylock (D)
Paul Boylan (D)

NATURAL RESOURCES - M W F - 1:00 p.m. - 3:00 p.m. - Room 405

Harold Dover, Chairman (R)
Mark Etchart, Vice-Chairman (R)
Thomas Keating (R)
Roger Elliott (R)
Larry Tveit (R)
Jesse O'Hara (R)
John Manley (R)
William Hafferman (D)
Steve Brown (D)
Dave Manning (D)
Patrick Ryan (D)
Fred Van Valkenburg (D)

EDUCATION - M W F - 1:00 p.m. - 3:00 p.m. - Room 402

Bob Brown, Chairman (R)
Ed Smith, Vice-Chairman (R)

George McCallum (R)
Elmer Severson (R)
H.W. Hammond (R)
Chet Blaylock (D)
Bill Thomas (D)
Joseph Mazurek (D)
Jack Haffey (D)

PUBLIC HEALTH - M W F - 1:00 p.m. - 3:00 p.m. - Room 410

Tom Hager, Chairman (R)
Matt Himsl, Vice-Chairman (R)
S.A. Olson (R)
Jan Johnson (R)
Bill Norman (D)
Harry Berg (D)
Michael Halligan (D)

AGRICULTURE - M W F - 1:00 p.m. - 3:00 p.m. - Room 415

Jack Galt, Chairman (R)
Allen Kolstad, Vice-Chairman (R)
Gary Aklestad (R)
J. Donald Ochsner (R)
Gary Lee (R)
Carroll Graham (D)
Paul Boylan (D)
Max Conover (D)
Dorothy Eck (D)

HIGHWAYS - T Th S - 1:00 p.m. - 3:00 p.m. - Room 410

Mark Etchart, Chairman (R)
Tom Hager, Vice-Chairman (R)
Frank Hazelbaker (R)
Roger Elliott (R)
Larry Tveit (R)
Dave Manning (D)
Carroll Graham (D)
Jack Healy (D)
Lawrence Stimatz (D)

LOCAL GOVERNMENT - T Th S - 1:00 p.m. - 3:00 p.m. - Room 405

George McCallum, Chairman (R)
Jesse O'Hara, Vice-Chairman (R)
Pete Story (R)
J. Donald Ochsner (R)
Bill Thomas (D)
Max Conover (D)
Fred Van Valkenburg (D)

LABOR - T Th S - 1:00 p.m. - 3:00 p.m. - Room 404

Harold Nelson, Chairman (R)
Gary Aklestad, Vice-Chairman (R)
Pat Goodover (R)
Mike Anderson (R)
Thomas Keating (R)
Bill Norman (D)
William Hafferman (D)
Patrick Ryan (D)

FISH AND GAME - T Th S - 1:00 p.m. - 3:00 p.m. - Room 402

Ed Smith, Chairman (R)
Jack Galt, Vice-Chairman (R)
Elmer Severson (R)
Gary Lee (R)
Dorothy Eck (D)
Harry Berg (D)
Judy Jacobson (D)

LEGISLATIVE ADMINISTRATION - On Call

Allen Kolstad, Chairman (R)
George McCallum, Vice-Chairman (R)
Frank Hazelbaker (R)
Carroll Graham (D)
Joseph Mazurek (D)

BILLS AND JOURNAL - On Call - Room 440

Jesse O'Hara, Chairman (R)
Bruce Crippen, Vice-Chairman (R)
Larry Tveit (R)
Michael Halligan (D)
Glenn Jacobsen (D)

RULES - On Call

Stan Stephens, Chairman (R)
Frank Hazelbaker, Vice-Chairman (R)
Jean Turnage (R)
Allen Kolstad (R)
Ed Smith (R)
Jack Galt (R)
Chet Blaylock (D)
Bill Norman (D)
Carroll Graham (D)
Paul Boylan (D)

Do pass. Report adopted.

MOTIONS

Senator Story moved that Senate Bill No. 10 be taken from State Administration and rereferred to Judiciary. The motion carried with Senator Ryan voting no.

FIRST READING OF BILLS

The following Senate bills were introduced, read first time and referred to committees:

SB 64, introduced by Elliott. Referred to Committee on Labor and Employment Relations.
SB 65, introduced by Johnson. Referred to Committee on Public Health, Welfare and Safety.
SB 66, introduced by Hazelbaker, (By Request of the Department of Revenue). Referred to Committee on Highways and Transportation.
SB 67, introduced by Johnson, S. Brown. Referred to Committee on Education.

The following Senate Joint Resolution was introduced, read first time and referred to committee:

SJR 2, introduced by Van Valkenburg, (By Request of the Attorney General). Referred to Committee on Judiciary.

The following Senate Resolution was introduced, read first time and referred to committee:

SR 1, introduced by Stephens. Referred to Committee on Rules.

Upon motion of Senator Stephens, duly carried, the Senate adjourned at 3:14 p.m. until Wednesday, January 7, at the hour of 4:00 p.m.

JEAN A. TURNAGE
President of the Senate

JOHN W. LARSON
Secretary of the Senate

THIRD LEGISLATIVE DAY

Helena, Montana
January 7, 1981

Senate Chambers
Capitol Building

Senate convened at 4:00 p.m., President Turnage presiding. Invocation by the Chaplain. Pledge of Allegiance to the Flag.

Roll call. All members present except Conover, excused. Quorum present.

Mr. President: We, your Committee on Bills and Journal, having examined the daily journal for the Second Legislative Day, find the same to be correct.

O'Hara, Chairman

REPORTS OF STANDING COMMITTEES

LOCAL GOVERNMENT (McCallum, Chairman):
SB 28 do pass. Report adopted.

AGRICULTURE, LIVESTOCK AND IRRIGATION (Galt, Chairman):
SB 25 do not pass.

Thereupon, the Adverse Committee Report was adopted by the following roll call vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, Crippen, Dover, Elliott, Etchart, Galt, Goodover, Graham, Haffey, Hager, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Severson, Smith, Stephens, Stimatz, Story, Tveit, Mr. President.
Total 38

Noes: B. Brown, S. Brown, Eck, Hafferman, Halligan, Manning, Mazurek, Ryan, Thomas, Towe, Van Valkenburg.
Total 11

Excused: Conover.
Total 1

Absent or not voting: None.
Total 0

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following House Joint Resolution and House Bill were on 1/7/81, passed and transmitted to the Senate for concurrence:

House Joint Resolution No. 3, introduced by Spilker, Kolstad

House Bill No. 1, introduced by Lund

FIRST READING OF BILLS

The following Senate bills were introduced, read first time and referred to committees:

SB 68, introduced by Blaylock. Referred to Committee on Education.
SB 69, introduced by Hager, Blaylock, Kitselman. Referred to Committee on Agriculture, Livestock and Irrigation.
SB 70, introduced by Hafferman, Graham, Manley, Kolstad, Lee. Referred to Committee on Highways and Transportation.

SB 71, introduced by B. Brown, Conn. Referred to Committee on State Administration.

SB 72, introduced by Galt, Hazelbaker, Hafferman, Tveit, Kolstad, S. Brown, Thomas, Towe. Referred to Committee on State Administration.

The following Senate Joint Resolution was introduced, read first time and referred to committee:

SJR 3, introduced by Towe, Blaylock, S. Brown, Huennekens, Dozier. Referred to Committee on Public Health, Welfare and Safety.

The following House bill was introduced, read first time and referred to committee:

HB 1, introduced by Lund. Referred to Committee on Finance and Claims.

The following House Joint Resolution was introduced, read first time and referred to committee:

HJR 3, introduced by Spilker, Kolstad. Referred to Committee on Legislative Administration.

Upon motion of Senator Stephens, duly carried, the Senate adjourned at 4:18 p.m. until Thursday, January 8, at the hour of 4:00 p.m.

JEAN A. TURNAGE
President of the Senate

JOHN W. LARSON
Secretary of the Senate

FOURTH LEGISLATIVE DAY

Helena, Montana
January 8, 1981

Senate Chambers
Capitol Building

Senate convened at 4:00 p.m., President Turnage presiding. Invocation by the Chaplain. Pledge of Allegiance to the Flag.

Roll call. All members present. Quorum present.

Mr. President: We, your Committee on Bills and Journal, having examined the daily journal for the Third Legislative Day, find the same to be correct.

O'HARA, Chairman

REPORTS OF STANDING COMMITTEES

PRINTING (O'Hara, Chairman):
Correctly printed and placed on the members' desks - SB 28. Report adopted.

LEGISLATIVE ADMINISTRATION (Kolstad, Chairman):
Respectfully reports as follows:

That the following attache of the Senate be terminated as of 8:00 a.m., Monday, January 5, 1981:

LaDonna Knowlton .....Proofreader

And further, that the following attache of the Senate be terminated as of 5:00 p.m., Tuesday, January 6, 1981:

Diane Rudd.....Comm. Secy.

And further, that the following attache of the Senate be reclassified as of 8:00 a.m., Wednesday, January 7, 1981:

Agnes Hamilton.....From Steno to Comm. Secy.
Report adopted.

JUDICIARY (Anderson, Chairman):
SB 8, do pass. Report adopted.

A motion was made and passed unanimously to place Senate Bill No. 27 on the Consent Calendar. Do pass. Report adopted.

A motion was made and passed unanimously to place Senate Bill No. 36 on the Consent Calendar. Do pass. Report adopted.

The Committee adopted the following Statement of Intent:

STATEMENT OF INTENT: Senate Bill No. 36

AN ACT TO PROVIDE FOR DISTRICT COURT JUDGES AS EX OFFICIO PROBATE JUDGES TO ISSUE DEEDS FOR ENTRY TOWNSITE LOTS THAT WERE NOT ORIGINALLY ISSUED OR WERE LOST.

This bill replaces an earlier section that was repealed because federal law authorizing entry townsites was repealed in 1976. The procedures regarding the establishment of entry townsites was correctly repealed, but it has been discovered that there are still some lots on entry townsites with incomplete title. As originally enacted , an entry townsite was granted to a territorial probate judge or state district court judge as ex officio probate judge. The judge then registered the persons who were living on the

townsite and after 6 months could issue deeds for the land to the possessors. Many townsites were started this way but did not develop into actual towns, and the inhabitants didn't bother to get their deeds. This act reenacts, with language changes, the original method for issuing deeds at this late date.

JOINT RULES (Stephens, Chairman):

SJR 1, introduced resolution, be amended as follows:

1. Page 3, line 10.
Following: "presides."
Insert: "The presiding officers shall certify and sign the payroll as prepared by Legislative Council staff, including the payroll for the Legislative Council staff, during the legislative session."

2. Page 10, line 18.
Following: "certification"
Insert: "and signature"

3. Page 17, line 14.
Following: "6-2."
Insert: "All bill drafting requests shall require a legislative sponsor."

4. Page 19, line 13.
Strike: "or"
Line 14.
Following: "resolutions"
Strike: "."
Insert: "; or"
Following: line 14.
Insert: "(f) standing committee bills"

5. Page 19, line 22.
Strike: "this"
Insert: "Council"

6. Page 20, line 18.
Strike: "co-sponsor"
Insert: "joint sponsor's"

7. Page 21, lines 9 and 10.
Strike: "at the time of introduction on the first legislative day,"

Line 11.
Following: "sponsor"
Insert: "at any time prior to a standing committee report on the bill"

8. Page 24, line 17.
Strike: "Commitment"
Insert: "Referral"

9. Page 26, lines 6 through 9.
Strike: All underlined material

10. Page 27, line 9.
Strike: ","
Insert: "and"

11. Page 27, line 10.
Strike: "and is neatly written,"

12. Page 28, line 15.
Strike: "author"

Insert: "sponsor"

13. Page 28, lines 19 through 22.
Following: "shall" on line 19
Strike: remainder of lines 19 through "he shall" on line 22

14. Page 29, line 2.
Following: "be"
Insert: "announced by the presiding officer and"

15. Page 30, line 21.
Strike: "proposed rejected"
Insert: "rejected proposed"

16. Page 33.
Strike: lines 23, 24, and 25

17. Page 47, lines 23 through line 2 on page 48.
Following: "journal." on line 23
Strike: All of the underlined material on lines 23 through "journal." on line 2, page 48
Insert: "Roll call votes shall be taken by ayes and noes and the names entered on the journal on adopting an adverse committee report and on those motions made in committee of the whole referred to in Joint Rule 6-26(1)(a)-(d)."

18. Page 50, line 8.
Following: "examples"
Insert: ","

And, as so amended, do pass. Report adopted.

MOTIONS

Senator Hager moved that Senate Bill No. 65 be moved from the Committee on Public Health, Welfare and Safety to the Committee on Natural Resources. Passed unanimously.

FIRST READING OF BILLS

The following Senate bills were introduced, read first time, and referred to committees:

SB 73, introduced by McCallum, (By Request of the Department of Social and Rehabilitation Services). Referred to Committee on Public Health, Welfare and Safety.
SB 74, introduced by Thomas. Referred to Committee on Local Government.
SB 75, introduced by S. Brown, (By Request of the Department of Administration). Referred to Committee on Judiciary.
SB 76, introduced by Crippen. Referred to Committee on Judiciary.
SB 77, introduced by Himsl, Olson, Nelson, Aklestad, Severson, Crippen, (By Request of the Department of Administration). Referred to Committee on Taxation.
SB 78, introduced by Severson. Referred to Committee on State Administration.
SB 79, introduced by Dover. Referred to Committee on Highways and Transportation.
SB 80, introduced by Turnage. Referred to Committee on Natural Resources.
SB 81, introduced by Eck, (By Request of the Department of Social and Rehabilitation Services). Referred to Committee on State Administration.

SB 82, introduced by Eck. Referred to Committee on State Administration.
SB 83, introduced by Mazurek. Referred to Committee on Judiciary.

MOTIONS

Senator Stephens moved that the Senate recess subject to the Call of the Chair in order that the Finance and Claims Committee may consider House Bill No. 1. Motion passed unanimously.

Senate recessed at 4:06 p.m.

Senate resumed at 4:38 p.m.

REPORTS OF STANDING COMMITTEES

FINANCE AND CLAIMS (Himsl, Chairman):
HB 1, be concurred in. Report adopted.

MOTIONS

Motion was made by Senator Stephens that the temporary rules of the Forty-seventh Legislature be temporarily suspended in order to place House Bill No. 1 on Second Reading for consideration this Legislative Day. Motion carried by the following roll call vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: B. Brown.
Total 1

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Galt in the Chair.

Senate resumed. President Turnage in the Chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on Second Reading, recommend as follows:

That House Bill No. 1 be concurred in. Concurred in with Etchart voting no.

That the Committee rise and report. (Galt, Chairman)

Upon motion of Senator Galt, duly carried, the foregoing Report of the Committee of the Whole was adopted.

Motions

Senator Stephens moved that the temporary rules of the Forty-seventh Legislature be temporarily suspended in order to place House Bill No. 1

on Third Reading for consideration this Legislative Day. Motion carried unanimously.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

House Bill No. 1 be concurred in by the following vote:

Ayes: Anderson, Berg, Blaylock, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Goodover, Graham, Haffey, Hager, Halligan, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Lee, Manley, Manning, Mazurek, McCallum, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 42

Noes: Aklestad, Boylan, Etchart, Galt, Hafferman, Hammond, Kolstad, Nelson.
Total 8

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Upon motion of Senator Stephens, duly carried, the Senate adjourned at 5:02 p.m., until Friday, January 9, at the hour of 11:00 a.m.

JEAN A. TURNAGE
President of the Senate

JOHN W. LARSON
Secretary of the Senate

FIFTH LEGISLATIVE DAY

Helena, Montana
January 9, 1981

Senate Chambers
Capitol Building

Senate convened at 11:00 a.m., President Turnage presiding. Invocation by the Chaplain. Pledge of Allegiance to the Flag.

Roll call. All members present except Stimatz, excused. Quorum present.

Mr. President: We, your Committee on Bills and Journal, having examined the daily journal for the Fourth Legislative Day, find the same to be correct.

O'HARA, Chairman

The Senate will please take note that the President will, at the hour of 11:25 a.m., 1/9/81, sign the following bills:
HB 1.

REPORTS OF STANDING COMMITTEES

PRINTING (O'Hara, Chairman):
Correctly printed and placed on the members' desks - SB 27, SB 36 - Consent Calendar. Report adopted.
Correctly printed and placed on the members' desks - SB 8. Report adopted.

Jean Turnage
President

MOTIONS

Upon motion of Senator Stephens, duly carried, that the roll call to be taken at the Joint Session with the House of Representatives be dispensed with this day.

Upon motion of Senator Stephens, duly carried, that the President be empowered to appoint a committee of two to serve with a like committee from the House of Representatives to escort the Governor to the Joint Session at 11:30 a.m. this day. The President appointed the following committee:

Senator Hazelbaker
Senator Manning

Upon motion of Senator Stephens, duly carried, that the President appoint a committee of three to notify the Honorable House of Representatives that the Senate is ready to meet with them in Joint Session to receive the Governor's State of the State address. The President appointed the following committee:

Senator Smith
Senator McCallum
Senator Norman

Without objection, the President requested the Senate to stand at ease.

The senate resumed at 11:15 a.m.

FIRST READING OF BILLS

The following Senate bills were introduced, read first time, and referred to committees:

SB 84, introduced by B. Brown. Referred to Committee on Local Government.
SB 85, introduced by Dover. Referred to Committee on Taxation.
SB 86, introduced by Galt, Tveit, Manley, Hafferman, McCallum, M. Anderson, Lee, B. Brown. Referred to Committee on State Administration.
SB 87, introduced by Galt, Hazelbaker, Tveit, Hafferman, Manley, McCallum, Kolstad, Lee, B. Brown, Mike Anderson, S. Brown, Blaylock, Regan. Referred to Committee on State Administration.
SB 88, introduced by Thomas. Referred to Committee on Finance and Claims.
SB 89, introduced by Manley, Norman, Halligan, McCallum, Johnson. Referred to Committee on Judiciary.

REPORTS OF STANDING COMMITTEES

STATE ADMINISTRATION (Story, Chairman)
A motion was made and passed unanimously to place Senate Bill No. 39 on the Consent Calendar.
Do pass. Report adopted.
SB 46. Do pass. Report adopted.

TAXATION (Goodover, Chairman):
SB 19. Do pass. Report adopted.

Senator Stimatz, who was excused, arrived at 11:16 a.m.

REPORTS OF SELECT COMMITTEES

The committee of three appointed to notify the House of Representatives returned and said that the House of Representatives was ready to meet with the Senate in Joint Session. The committee was then discharged.

MOTIONS

Upon motion of Senator Stephens, duly carried, the Senate recessed and proceeded to the House of Representatives for the purpose of receiving the Governor's State of the State address, and further that the Senate reconvene upon completion of that message.

The Senate will please take note that the President did, at the hour of 11:25 a.m., 1/9/81, sign the following bills:
HB 1.

Senate recessed at 11:38 a.m.
Senate resumed at 12:39 p.m.

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Stimatz in the Chair.

Senate resumed. President Turnage in the Chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on Second Reading, recommend as follows:

That Senate Bill No. 28 do pass. Opposed by Boylan, Hammond, Towe.

That the Committee rise and report.

Upon motion of Senator Stimatz, duly carried, the foregoing Report of the Committee of the Whole was adopted.

Upon motion of Senator Stephens, duly carried, the Senate adjourned at 1:02 p.m., until Saturday, January 10, at the hour of 9:00 a.m.

JEAN A. TURNAGE
President of the Senate

JOHN W. LARSON
Secretary of the Senate

[illegible]

[illegible]

[illegible] introduced by [illegible] McCallum, Tyson, [illegible] Montgomery, Mastad, Lee, Bc Brown, Mike [illegible] [illegible] Kegar [illegible] to Committee on State Administration.

[illegible] introduced by [illegible]. Referred to Committee on [illegible]

[illegible] introduced by Moore, Norman, Halligan, McCallum, John [illegible] Referred to Committee on Judiciary.

REPORTS OF STANDING COMMITTEES

[illegible] (Senator [illegible], Chairman)

A motion was made and [illegible] unanimously to place Senate Bill No. [illegible] on Calendar [illegible]

[illegible] report [illegible]

[illegible] Do pass [illegible]

[illegible] (Senator Lindemer, Chairman)

[illegible] Report [illegible]

[illegible] was received [illegible] at 11:18 a.m.

REPORTS OF SELECT COMMITTEES

[illegible] committee of three appointed to notify the House of [illegible] House returned [illegible] said that the House of Representatives was now [illegible] with the Senate in Joint Session. The committee was then [illegible]

MOTIONS

[illegible] motion of Senator Stephens, duly carried, the Senate recessed [illegible] to receive the House of Representatives for the purpose of receiving the Governor's [illegible] of the state address, and further that the Senate reconvene [illegible] completion of that address.

The Senate will please [illegible] the [illegible] that the President did, at the hour [illegible] sign the following bills:

[illegible]

Senate recessed at 11:30 a.m.

Senate reconvened at 1:37 p.m.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Senator Bilodeau in the Chair.

Senate resumed. President Tomage in the Chair.

Mr. President: We, your Committee of the Whole, [illegible] had [illegible] under consideration [illegible] on Second Reading [illegible] and [illegible] as follows:

[illegible]

SIXTH LEGISLATIVE DAY

Helena, Montana
January 10, 1981

Senate Chambers
Capitol Building

Senate convened at 9:00 a.m., President Turnage presiding. Invocation by the Chaplain. Pledge of Allegiance to the Flag.

Roll call. All members present except Story, Goodover, excused. Quorum present.

Mr. President: We, your Committee on Bills and Journal, having examined the daily journal for the Fifth Legislative Day, find the same to be correct.

O'HARA, Chairman

REPORTS OF STANDING COMMITTEES

PRINTING (O'Hara, Chairman):
Correctly printed and placed on the members' desks - SB 19, SB 46, SJR 1. Report adopted.
Correctly printed and placed on the members' desks - SB 39 - Consent Calendar. Report adopted.

BILLS (O'Hara, Chairman):
Considered correctly engrossed - SB 28. Report adopted.

LOCAL GOVERNMENT (McCallum, Chairman):
SB 35, do pass. Report adopted.

LEGISLATIVE ADMINISTRATION (Kolstad, Chairman):
HJR 3, be concurred in. Report adopted.

FIRST READING OF BILLS

The following Senate bills were introduced, read first time and referred to committees:

SB 90, introduced by Goodover, Fabrega, Nordtvedt, Elliott, Johnson, Lee, Ryan, Hammond, S. Brown, J. O'Hara, McCallum, Jacobson, Hager, Healy, Manley, Thomas, Severson, (By Request of the Board of Housing). Referred to Committee on Business and Industry.
SB 91, introduced by Goodover, Fabrega, Nordtvedt, Lee, Elliott, J. O'Hara, McCallum, Hammond, Ryan, S. Brown, Jacobson, Hager, Healy, Manley, Thomas, Severson, (By Request of the Board of Housing). Referred to Committee on Business and Industry.
SB 92, introduced by Boylan, Galt, Smith. Referred to Committee on State Administration.
SB 93, introduced by Boylan, Ellerd, Harper. Referred to Committee on State Administration.
SB 94, introduced by Boylan, Galt, Ellerd, Roth, Briggs, Iverson. Referred to Committee on Judiciary.
SB 95, introduced by Boylan, Ellerd. Referred to Committee on Natural Resources.

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Severson in the Chair.

Senate resumed. President Turnage in the Chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on Second Reading, recommend as follows:

That Senate Bill No. 8 do pass. Opposed by Aklestad, Boylan, Dover, Galt, Hafferman, Manley, Manning, McCallum, Nelson, Ochsner, Ryan, Stimatz. Thomas.

That the Committee rise and report. (Severson, Chairman)

Upon motion of Senator Severson, duly carried, the foregoing Report of the Committee of the Whole was adopted.

SPECIAL ORDERS OF THE DAY

Consent Calendar

SB 27 - Discussion

SB 36 - Discussion

Upon motion of Senator Stephens, duly carried, the Senate adjourned at 9:35 a.m. until Monday, January 12, at the hour of 3:00 p.m.

JEAN A. TURNAGE
President of the Senate

JOHN W. LARSON
Secretary of the Senate

SEVENTH LEGISLATIVE DAY

Helena, Montana
January 12, 1981

Senate Chambers
Capitol Building

Senate convened at 3:00 p.m., President Turnage presiding. Invocation by the Chaplain. Pledge of Allegiance to the Flag.

Roll call. All members present. Quorum present.

Mr. President: We, your Committee on Bills and Journal, having examined the daily journal for the Sixth Legislative Day, find the same to be correct.

O'HARA, Chairman

At the request of the President, and without objection, the Senate reverted to Order of Business No. 6.

MOTIONS

Upon motion of Senator Stephens, duly carried, that the roll call taken at the Joint Session with the House of Representatives be dispensed with.

Upon motion of Senator Stephens, duly carried, that the President appoint a committee of three to inform the Honorable House of Representatives that the Senate is now ready to meet with them in Joint Session to receive the State of the Law Address from the Supreme Court of the State of Montana. The President appointed the following committee:

Senator Smith, Chairman
Senator Lee
Senator Norman

Without objection, the Senate stood at ease to await the Committee's return.

The Senate resumed.

The committee of three appointed to notify the House of Representatives that the Senate was ready to meet with them in Joint Session returned and made its report. The committee was then thanked and discharged.

Upon motion of Senator Stephens, duly carried, that the Senate recess and proceed to the House of Representatives for the purpose of receiving the State of the Law Address, and that the Senate reconvene upon completion of that address.

Senate recessed at 3:09 p.m.

Senate resumed at 4:00 p.m.

REPORTS OF STANDING COMMITTEES

PRINTING (O'Hara, Chairman):
Correctly printed and placed on the members' desks - SB 35. Report adopted.

BILLS (O'Hara, Chairman):
Considered correctly engrossed - SB 8. Report adopted.

COMMITTEES (Galt, Chairman):
Does hereby appoint to the LEGISLATIVE FINANCE COMMITTEE the following member:

Senator Jack Haffey to replace Larry Fasbender.

Report adopted.

LEGISLATIVE ADMINISTRATION (Kolstad, Chairman):
Respectfully reports as follows:

That the following attache of the Senate be terminated as of 5:00 p.m., Saturday, January 10, 1981:

Brad Brazier.....Page

And further, that the following attaches of the Senate be employed as of 8:00 a.m., Monday, January 12, 1981:

Sabrina Sanddal.....Steno
Shawna Jordan.....Page
Nancy Marie Fries.....Page
Colleen Coburn.....Page

Report adopted.

STATE ADMINISTRATION (Story, Chairman):
SB 26, introduced bill, be amended as follows:

1. Page 1, line 11.
Following: "state"
Insert: "within 10 days of its issue"

2. Page 1, line 13.
Following: "issue."
Insert: "Failure to comply with this section does not affect the validity of the bond issue."

And, as so amended, do pass. Report adopted.

RULES (Stephens, Chairman):
SR 1, introduced bill, be amended as follows:

1. Page 4, line 24.
Following: "Education"
Insert: "and Cultural Resources"

And, as so amended, do pass. Report adopted.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following House Bills were on 1/10/81, passed and transmitted to the Senate for concurrence:

House Bill No. 77, introduced by Harper

House Bill No. 62, introduced by Dozier

FIRST READING OF BILLS

The following Senate bills were introduced, read first time and referred to committees:

SB 96, introduced by Van Valkenburg. Referred to Committee on Taxation.
SB 97, introduced by Etchart. Referred to Committee on Agriculture, Livestock and Irrigation.
SB 98, introduced by Himsl, Regan, Blaylock, B. Brown, Kolstad, Jacobson. Referred to Committee on Taxation.

SB 99, introduced by Thomas. Referred to Committee on State Administration.
SB 100, introduced by Thomas. Referred to Committee on State Administration.
SB 101, introduced by Keating. Referred to Committee on Labor and Employment Relations.
SB 102, introduced by Himsl, Severson, B. Brown, Hager, Kolstad, Aklestad. Referred to Committee on Taxation.
SB 103, introduced by Smith, Turnage, Tveit, Boylan, McCallum, Johnson, S. Brown, Kolstad, Severson, Stimatz. Referred to Committee on Fish and Game.
SB 104, introduced by Galt, Dover, Johnson, Hazelbaker, J. O'Hara, Hafferman. Referred to Committee on State Administration.
SB 105, introduced by Galt, Dover, Johnson, Hafferman. Referred to Committee on State Administration.
SB 106, introduced by Himsl, Galt. Referred to Committee on Business and Industry.
SB 107, introduced by McCallum. Referred to Committee on Taxation.

The following House bills were introduced, read first time and referred to committees:

HB 62, introduced by Dozier, Phillips, Rousch, Nilson, Zabrocki, Huennekens, Pistoria, Oberg, Manning, Kitselman, Hannah, Winslow, Ellison, Manuel, Jacobsen, Pavlovich, O'Connell, Harper, Abrams, Teague, Conroy, Menahan, Keyser, Harrington, Quilici, Neuman, Kanduch, (By Request of The Department of Social and Rehabilitation Services). Referred to Committee on Public Health, Welfare and Safety.
HB 77, introduced by Harper, (By Request of the Department of Labor and Industry). Referred to Committee on Labor and Employment Relations.

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Van Valkenburg in the Chair.

Senate resumed. President Turnage in the Chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on Second Reading, recommend as follows:

Senate Bill No. 19 do pass. Unanimously passed.

Senate Bill No. 46 do pass. Opposed by Lee, Hafferman.

Senate Joint Resolution No. 1 be amended as follows:

1. Page 3, line 12.
Following: "SHALL"
Strike: "CERTIFY AND SIGN"
Insert: "receive a copy of"

2. Page 45, lines 19 and 20.
Strike: All underlined material

Amendment unanimously passed.

And, as so amended, do pass. Opposed by Regan.

That the Committee rise and report. (Van Valkenburg, Chairman)

Upon motion of Senator Van Valkenburg, duly carried, the foregoing Report of the Committee of the Whole was adopted.

At the request of the President, and without objection, the Senate reverted to Order of Business No. 6.

MOTIONS

Motion was made by Senator Stephens that the temporary rules of the Forty-seventh Legislature be temporarily suspended in order to place Senate Joint Resolution No. 1 on Third Reading for consideration this Legislative Day. Motion carried by the following roll call vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Johnson, Keating, Kolstad, Lee, Manley, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: Jacobson, Manning.
Total 2

THIRD READING OF BILLS

The following bill having been read three several times, title and history agreed to, was disposed of in the following manner:

Senate Bill No. 28 was passed by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Johnson, Keating, Kolstad, Lee, Manley, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Tveit, Van Valkenburg, Mr. President.
Total 46

Noes: Boylan, Towe.
Total 2

Excused: None.
Total 0

Absent or not voting: Jacobson, Manning.
Total 2

CONSENT CALENDAR

Senate Bill No. 27 was passed by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Keating, Kolstad, Lee, Manley, Mazurek, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.

Total 46

Noes: Johnson, McCallum.
Total 2

Excused: None.
Total 0

Absent or not voting: Jacobson, Manning.
Total 2

Senate Bill No. 36 was passed by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Johnson, Keating, Kolstad, Lee, Manley, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: Jacobson, Manning.
Total 2

Senate Joint Resolution No. 1 was passed by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Johnson, Keating, Kolstad, Lee, Manley, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 47

Noes: Regan.
Total 1

Excused: None.
Total 0

Absent or not voting: Jacobson, Manning.
Total 2

Upon motion of Senator Stephens, duly carried, the Senate adjourned at 5:11 p.m. until Tuesday, January 13, at the hour of 4:00 p.m.

JEAN A. TURNAGE
President of the Senate

JOHN W. LARSON
Secretary of the Senate

EIGHTH LEGISLATIVE DAY

Helena, Montana
January 13, 1981

Senate Chambers
Capitol Building

Senate convened at 4:00 p.m., President Turnage presiding. Invocation by the Chaplain. Pledge of Allegiance to the Flag.

Roll call. All members present except Manning, excused. Quorum present.

Mr. President: We, your Committee on Bills and Journal, having examined the daily journal for the Seventh Legislative Day, find the same to be correct.

O'HARA, Chairman

REPORTS OF STANDING COMMITTEES

PRINTING (O'Hara, Chairman):
Correctly printed and placed on the members' desks - SB 26. Report adopted.
Correctly printed and placed on the members' desks - SR 1. Report adopted.

BILLS (O'Hara, Chairman):
Considered correctly engrossed - SB 19, SB 46. Report adopted.

JUDICIARY (Anderson, Chairman):
SB 43, do pass. Report adopted.
Unanimously passed and placed on the Consent Calendar - SB 75. Do pass. Report adopted.

RULES (Stephens, Chairman):
SB 9, introduced bill, be amended as follows:

1. Page 1, line 22.
Following: "subcommittees."
Strike: the remainder of lines 22 through 23

2. Page 2, lines 2 through 3.
Strike: the remainder of lines 2 through "speaker." on line 3
Insert: "Interim joint subcommittees shall be appointed from the respective standing committee of each house whenever possible. After consultation with the minority leader of the respective house, the committee on committees shall appoint the senate joint subcommittee members and the speaker shall appoint the house joint subcommittee members."

3. Page 2, line 5.
Following: "Subcommittees."
Insert: "If no member of a standing committee is available for service on a subcommittee, the committee on committees or the speaker may appoint any other legislator eligible to serve on an interim joint subcommittee."

And, as so amended, do pass. Report adopted.

RULES (Stephens, Chairman):
Respectfully report as follows:

That Senate Bill No. 33 accompanied with a cover letter written by the Chairman of the Senate Rules Committee with the recommendation that

the Judiciary Committee examine the bill and refer it to any other committee they feel should be given the opportunity to review the legislation since it contains a variety of subject matters, and, be referred to Senate Judiciary Committee. Report adopted.

STATE ADMINISTRATION (Story, Chairman):
SB 62, do pass. Report adopted.
SB 72, do pass. Report adopted.
SB 78, do pass. Report adopted.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following House Bills were on 1/12/81, passed and transmitted to the Senate for concurrence:

House Bill No. 15, introduced by Donaldson

House Bill No. 25, introduced by Conroy

House Bill No. 35, introduced by Donaldson

FIRST READING OF BILLS

The following Senate bills were introduced, read first time and referred to committees:

SB 108, introduced by Story. Referred to Committee on Agriculture, Livestock and Irrigation.
SB 109, introduced by Story. Referred to Committee on State Administration.
SB 110, introduced by Story. Referred to Committee on Agriculture, Livestock and Irrigation.
SB 111, introduced by Stimatz, (By Request of the Department of Justice). Referred to Committee on Judiciary.
SB 112, introduced by Tveit, Galt, Severson, Aklestad. Referred to Committee on Judiciary.

The following House bills were introduced, read first time and referred to committees:

HB 15, introduced by Donaldson. Referred to Committee on Education.
HB 25, introduced by Conroy, (By Request of the Select Committee on Indian Affairs). Referred to Committee on State Administration.
HB 35, introduced by Donaldson. Referred to Committee on Education.

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Anderson in the Chair.

Senate resumed. President Turnage in the Chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on Second Reading, recommend as follows:

That Senate Bill No. 35 do pass. Unanimously passed.

That House Joint Resolution No. 3 be concurred in. Opposed by Regan.

That the Committee rise and report. (Anderson, Chairman)

Upon motion of Senator Anderson, duly carried, the foregoing Report of the Committee of the Whole was adopted.

THIRD READING OF BILLS

The following bill having been read three several times, title and history agreed to, was disposed of in the following manner:

Senate Bill No. 8 was passed by the following vote:

Ayes: Anderson, Berg, Blaylock, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Goodover, Graham, Haffey, Hager, Halligan, Hazelbaker, Healy, Himsl, Jacobson, Keating, Kolstad, Lee, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Severson, Smith, Stephens, Stimatz, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 40

Noes: Aklestad, Boylan, Galt, Hafferman, Hammond, Johnson, Manley, Ryan, Story.
Total 9

Excused: Manning.
Total 1

Absent or not voting: None.
Total 0

SPECIAL ORDERS OF THE DAY

Consent Calendar

SB 39 - Discussion

Upon motion of Senator Stephens, duly carried, the Senate adjourned at 4:22 p.m. until Wednesday, January 14, at the hour of 4:00 p.m.

JEAN A. TURNAGE
President of the Senate

JOHN W. LARSON
Secretary of the Senate

NINTH LEGISLATIVE DAY

Helena, Montana
January 14, 1981

Senate Chambers
Capitol Building

Senate convened at 4:00 p.m., President Turnage presiding. Invocation by the Chaplain. Pledge of Allegiance to the Flag.

Roll call. All members present except Manning, Story, Thomas, excused. Quorum present.

Mr. President: We, your Committee on Bills and Journal, having examined the daily journal for the Eighth Legislative Day, find the same to be correct.

O'HARA, Chairman

REPORTS OF STANDING COMMITTEES

BILLS (O'Hara, Chairman):
Considered correctly engrossed - SB 35. Report adopted.

PRINTING (O'Hara, Chairman):
Correctly printed and placed on the members' desks - SB 9, SB 43, SB 62, SB 72, SB 78. Report adopted.
Correctly printed and placed on the members' desks - SB 75 Consent Calendar. Report adopted.

LEGISLATIVE ADMINISTRATION (Kolstad, Chairman):
Respectfully reports as follows:

That the following attache of the Senate be employed as of 8:00 a.m., Wednesday, January 14, 1981:

Elaine Graveley .....Comm. Secy

BUSINESS AND INDUSTRY (Hazelbaker, Chairman):
SB 57, introduced bill, be amended as follows:

1. Title, line 9.
Following: "TRANSACTIONS"
Strike: ", REALTY ORGANIZATIONS,"

2. Page 2, lines 13 through 18.
Strike: Subsection (e) in its entirety

And, as so amended, be reported out of committee without recommendation. Report adopted.

LABOR AND EMPLOYMENT RELATIONS (Nelson, Chairman):
SB 32, do pass. Report adopted.

SB 64, do pass. Report adopted.

TAXATION (Goodover, Chairman):
SB 3, do pass. Report adopted.
SB 55, do pass. Report adopted.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following House Bills were on 1/13/81, passed and transmitted to the Senate for concurrence:

House Bill No. 3, introduced by Spilker

House Bill No. 32, introduced by Marks

FIRST READING OF BILLS

The following Senate bills were introduced, read first time and referred to committees:

SB 113, introduced by S. Brown, Mazurek. Referred to Committee on State Administration.
SB 114, introduced by S. Brown, Spilker. Referred to Committee on State Administration.
SB 115, introduced by McCallum, Stobie. Referred to Committee on Local Government.
SB 116, introduced by Himsl, Hazelbaker, Elliott, Severson, Norman, B. Brown, Johnson, Van Valkenburg. Referred to Committee on Local Government.
SB 117, introduced by Dover. Referred to Committee on Judiciary.
SB 118, introduced by Blaylock, Kolstad, Dussault. Referred to Committee on Finance and Claims.
SB 119, introduced by Ochsner, Hager, Etchart, M. Anderson, Lee. Referred to Committee on Judiciary.
SB 120, introduced by Ochsner, Hager, Lee. Referred to Committee on Judiciary.
SB 121, introduced by Ochsner, M. Anderson, Lee. Referred to Committee on Local Government.
SB 122, introduced by Hager. Referred to Committee on Taxation.
SB 123, introduced by Etchart, Manning, Conover, Graham, Manley, Kolstad, Lee, M. Anderson, McCallum, Hazelbaker, Ochsner, Smith, Hager, Hammond, Tveit, Galt, Nelson, Olson, Severson. Referred to Committee on Natural Resources.
SB 124, introduced by Thomas, (By Request of the Office of Budget and Program Planning). Referred to Committee on Finance and Claims.
SB 125, introduced by Dover, Galt, M. Anderson, Hager. Referred to Committee on Education.
SB 126, introduced by Severson, Himsl, McCallum, Boylan, Elliott, Keating, Kolstad, Ochsner, Hager, J. O'Hara, Galt, Hafferman, Hazelbaker, Nelson, Aklestad, Graham, Dover, Conover, Manley, Story. Referred to Committee on Taxation.
SB 127, introduced by Norman, Conover, Smith, McCallum. Referred to Committee on Public Health, Welfare and Safety.
SB 128, introduced by Norman, Elliott, (By Request of the Workers' Compensation Advisory Council). Referred to Committee on Labor and Employment Relations.
SB 129, introduced by Turnage, Norman. Referred to Committee on Public Health, Welfare and Safety.
SB 130, introduced by Etchart, Boylan. Referred to Committee on Taxation.
SB 131, introduced by Boylan. Referred to Committee on Local Government.
SB 132, introduced by Thomas, Keating. Referred to Committee on Labor and Employment Relations.

The following House bills were introduced, read first time and referred to committees:

HB 3, introduced by Spilker, (By Request of the Study Committee on State Mandates and the Effects of State-Owned Property on Local Governments). Referred to Committee on Local Government.

HB 32, introduced by Marks, (By Request of the Legislative Council). Referred to Committee on Legislative Administration.

Senator Thomas entered the Senate Chamber at 4:07 p.m.

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Conover in the Chair.

Senate resumed. President Turnage in the Chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on Second Reading, recommend as follows:

That Senate Bill No. 26 be amended as follows:

1. Title, lines 5 and 6.
Following: "BE"
Strike: "REGISTERED IN THE OFFICE OF THE SECRETARY OF STATE"
Insert: "FILED WITH THE SECURITIES COMMISSIONER"

2. Page 1, line 9.
Following: "Bond"
Strike: "registration"
Insert: "filing"

3. Lines 10 and 11.
Following: "be"
Strike: "registered in the office of the secretary of state"
Insert: "filed with the securities commissioner"

4. Line 11.
Following: "10 DAYS OF"
Strike: "ITS"
Insert: "their"

5. Line 12.
Strike: "registration"
Insert: "filing"
Following: "authority,"
Insert: "the name and address of the person or entity on whose behalf the bonds are issued,"

6. Line 13.
Following: "issue,"
Strike: "and"

7. Line 14.
Following: "issue"
Insert: ", and any other information the securities commissioner may request"

8. Lines 18 and 19.
Following: each "chapter"
Strike: "1"
Insert: "5"
Following: each "part"
Strike: "5"
Insert: "1"

Amendments passed unanimously.

That Senate Bill No. 26, as amended, do pass. Unanimously passed.

That Senate Resolution No. 1 do pass. Unanimously passed.

That the Committee rise and report. (Conover, Chairman)

Upon motion of Senator Conover, duly carried, the foregoing Report of the Committee of the Whole was adopted.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

Senate Bill No. 19 was passed by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Manning, Story.
Total 2

Absent or not voting: None.
Total 0

Senate Bill No. 46 was passed by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 46

Noes: Hafferman, Himsl.
Total 2

Excused: Manning, Story.
Total 2

Absent or not voting: None.
Total 0

CONSENT CALENDAR

Senate Bill No. 39 was passed by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Keating, Kolstad, Lee, Manley, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 47

Noes: None.

Total 0

Excused: Manning, Story.
Total 2

Absent or not voting: Johnson.
Total 1

Upon motion of Senator Stephens, duly carried, the Senate adjourned at 4:36 p.m. until Thursday, January 15, at the hour of 4:00 p.m.

JEAN A. TURNAGE
President of the Senate

JOHN W. LARSON
Secretary of the Senate

CONSENT CALENDAR

TENTH LEGISLATIVE DAY

Helena, Montana
January 15, 1981

Senate Chambers
Capitol Building

Senate convened at 4:00 p.m., President Turnage presiding. Invocation by the Chaplain. Pledge of Allegiance to the Flag.

Roll call. All members present except Ryan, excused. Quorum present.

Mr. President: We, your Committee on Bills and Journal, having examined the daily journal for the Ninth Legislative Day, find the same to be correct.

O'HARA, Chairman

MOTIONS

Senator Stephens moved that the Senate stand in recess to join the House of Representatives for a special presentation in the House in honor of Beula Walters, a long time employee of the Legislature who retired this day.

Senate recessed at 4:03 p.m.

Senate resumed at 4:11 p.m.

REPORTS OF STANDING COMMITTEES

BILLS (O'Hara, Chairman):
Correctly engrossed - SB 26. Report adopted.

PRINTING (O'Hara, Chairman):
Correctly printed and placed on the members' desks - SB 3, SB 32, SB 55, SB 64. Report adopted.

AGRICULTURE, LIVESTOCK AND IRRIGATION (Galt, Chairman):
SB 59, do pass. Report adopted.

SB 69, introduced bill, be amended as follows:

1. Page 1, line 11.
Following: "board."
Strike: "(1)"

2. Page 1, line 15.
Strike: "(a)"
Insert: "(1)"

3. Page 1, line 17.
Strike: "(b)"
Insert: "(2)"

4. Page 1, line 19.
Strike: "(c)"
Insert: "(3)"

5. Page 1, lines 21 and 22.
Strike: Line 21 through "compensation." on line 22

And, as so amended, do pass. Report adopted.

JUDICIARY (Anderson, Chairman):
SB 94, do pass. Report adopted.

STATE ADMINISTRATION (Story, Chairman):
SB 71, introduced bill, be amended as follows:

1. Page 2, line 9.
Following: "(5)"
Insert: "(a)"

2. Page 2, line 10.
Following: "publications"
Insert: "except annotations"

3. Page 2, line 12.
Strike: "(a)"
Insert: "(i)"

4. Page 2, line 13.
Strike: "(b)"
Insert: "(ii)"

5. Page 2, line 15.
Strike: "(c)"
Insert: "(iii)"

6. Page 2.
Following: Line 16
Insert: "(b) The legislative council shall include in the cost price of the code the cost of providing the copies under this subsection."

And, as so amended, do pass. Report adopted.

TAXATION (Goodover, Chairman):
SB 54, introduced bill, be amended as follows:

1. Title, page 1, line 7.
Following: "REVENUE"
Insert: "AND TO ELIMINATE THE REQUIREMENT OF SERVICE ON THE STATE TAX APPEAL BOARD"

2. Title, page 1, line 8.
Following: "BOARD"
Insert: "; TO REQUIRE THE DEPARTMENT OF REVENUE TO NOTIFY THE STATE TAX APPEAL BOARD OF APPEALS; TO ELIMINATE THE REQUIREMENT THAT THE STATE TAX APPEAL BOARD BE SERVED WITH ALL PLEADINGS AND DOCUMENTS; AND TO REQUIRE THAT THE DEPARTMENT OF REVENUE FURNISH THE STATE TAX APPEAL BOARD WITH COPIES OF PLEADINGS AND DOCUMENTS UPON REQUEST OF THE BOARD"

3. Page 1, line 21.
Following: "petition on the"
Strike: "state tax appeal board and the"

4. Page 1, line 22.
Following: "department of revenue"
Insert: "or taxpayer"

5. Page 1, line 25 and page 2, lines 1 and 2.
Following: "thereon."
Strike: remainder of line 25 and lines 1 and 2 on page 2 in their entirety

Insert: "The department of revenue shall promptly notify the state tax appeal board, in writing, of any judicial review but failure to do so shall have no effect on the judicial review. The department of revenue shall, on request, submit to the state tax appeal board a copy of all pleadings and documents."

And, as so amended, do pass. Report adopted.

JUDICIARY (Anderson, Chairman):
SB 40, do not pass.

Thereupon, the Adverse Committee Report was adopted by the following roll call vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Severson, Stephens, Stimatz, Story, Towe, Tveit, Van Valkenburg, Mr. President.
Total 45

Noes: Boylan, Hafferman, Thomas.
Total 3

Excused: Ryan.
Total 1

Absent or not voting: Smith.
Total 1

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following Senate Joint Resolution was on 1/14/81, concurred in as amended, and returned to the Senate for concurrence in House Amendments:

Senate Joint Resolution No. 1, introduced by Stephens

MOTIONS

Upon motion of Senator Stephens, duly carried, that Senate Bill No. 57 be rereferred to the Committee on Business and Industry.

Upon motion of Senator Towe, duly carried, that Senate Bill No. 21 be taken from the Committee on Business and Industry and rereferred to the Committee on Taxation.

Motion was made by Senator Severson that the Rules of the Forty-seventh Legislature be temporarily suspended in order to allow additional co-sponsors to sign Senate Bill No. 47. Motion carried by the following roll call vote:

Ayes: Aklestad, Anderson, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Severson, Smith, Stephens, Stimatz, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 45

Noes: Halligan.
Total 1

Excused: Ryan.

Total 1

Absent or not voting: Berg, Regan, Story.
Total 3

Senator Severson moved that the temporary rules of the Forty-seventh Legislature be temporarily suspended and the following names be added to Senate Bill No. 47 as additional sponsors:

Galt, Story, E. Smith, Tveit, Manley, Graham, Hafferman, Hager, McCallum, Hammond, Aklestad, Nelson, Kolstad, Ryan, Etchart, Thomas, Healy, Norman, Johnson, Dover, Lee, Keating, B. Brown, J. O'Hara, Crippen, Boylan, Olson, Ochsner, S. Brown, Elliott, Hazelbaker, Anderson, Manning, Conover, Stimatz, Towe, Stephens, C. Smith, Briggs, Hurwitz, Ernst, Wallin, Switzer, Iverson, Keyser, Devlin, Curtiss, Lund, Kanduch, Underdal, Schultz, Seifert, Mueller, Hemstad, R. Anderson, Sales, Bertelsen, Ellison, Kropp, Ellerd, Meyer, Thoft, McLane, Asay, Feda, Burnett, Neuman, Hannah, Shontz, Zabrocki, Conn, Sivertsen, Abrams, Vinger, Holliday, Menahan, Phillips.

Motion carried by the following roll call vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: Halligan.
Total 1

Excused: Ryan.
Total 1

Absent or not voting: None.
Total 0

FIRST READING OF BILLS

The following Senate bills were introduced, read first time and referred to committees:

SB 133, introduced by Manley, Curtiss. Referred to Committee on Local Government.

SB 134, introduced by Elliott, Keating, (By Request of the Department of Revenue). Referred to Committee on Taxation.

SB 135, introduced by Regan, Thomas, Berg, B. Brown, Keating, Hager. Referred to Committee on State Administration.

SB 136, introduced by Etchart, Graham. Referred to Committee on Agriculture, Livestock and Irrigation.

SB 137, introduced by Johnson, (By Request of the Department of Social and Rehabilitation Services). Referred to Committee on Public Health, Welfare and Safety.

SB 138, introduced by Dover, M. Anderson, Hafferman, Thomas, (By Request of the Environmental Quality Council). Referred to Committee on Natural Resources.

SB 139, introduced by Dover, M. Anderson, Hafferman, Thomas, (By Request of the Environmental Quality Council). Referred to Committee on Natural Resources.

SB 140, introduced by Dover, M. Anderson, Hafferman, Thomas, (By Request of the Environmental Quality Council). Referred to Committee on Natural Resources.
SB 141, introduced by Dover, M. Anderson, Hafferman, Thomas, (By Request of the Department of Natural Resources and Conservation). Referred to Committee on Natural Resources.
SB 142, introduced by Blaylock, Stephens, (By Request of the Department of Administration). Referred to Committee on State Administration.
SB 143, introduced by Hazelbaker, Turnage, (By Request of the Board of Housing). Referred to Committee on Business and Industry.
SB 144, introduced by Hazelbaker, (By Request of the Department of Revenue). Referred to Committee on Judiciary.
SB 145, introduced by Hager. Referred to Committee on Judiciary.
SB 146, introduced by Hazelbaker, Aklestad, Smith, Manuel. Referred to Committee on Agriculture, Livestock and Irrigation.
SB 147, introduced by Goodover, Andreason, Galt, Ochsner, Nordtvedt. Referred to Committee on Business and Industry.
SB 148, introduced by M. Anderson, Etchart. Referred to Committee on Taxation.

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Story in the Chair.

Senate resumed. President Turnage in the Chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on Second Reading, recommend as follows:

That Senate Bill No. 9 do pass. Opposed by Senator Towe.

That Senate Bill No. 43 do pass. Opposed by Aklestad, Conover, Galt, Goodover, Hafferman, Hager, Hammond, Himsl, Keating, Kolstad, Lee, Nelson, Olson, Severson, Smith, Stimatz, Thomas.

That Senate Bill No. 62 do pass. Unanimously passed.

That Senate Bill No. 72 do pass. Unanimously passed.

That Senate Bill No. 78 do pass. Opposed by Aklestad, Berg, Blaylock, Conover, Halligan, Keating, Mazurek, Nelson, Norman, Regan, Tveit, Turnage.

House Amendments to Senate Joint Resolution No. 1 be not concurred in. Opposed by Berg, Blaylock, S. Brown, Conover, Eck, Regan, Stimatz, Story, Towe, Van Valkenburg.

That the Committee rise and report. (Story, Chairman)

Upon motion of Senator Story, duly carried, the foregoing Report of the Committee of the Whole was adopted.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

Senate Bill No. 35 was passed by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl,

Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Ryan.
Total 1

Absent or not voting: None.
Total 0

House Joint Resolution No. 3 was concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 47

Noes: Conover, Regan.
Total 2

Excused: Ryan.
Total 1

Absent or not voting: None.
Total 0

At the request of Senator Hazelbaker, and without objection, the Senate reverted to Order of Business No. 6.

MOTIONS

Upon motion of Senator Hazelbaker, duly carried, that Senate Bill No. 57 be taken from the Committee on Business and Industry and rereferred to the Committee on Judiciary.

Upon motion of Senator Thomas, duly carried, that Senate Bill No. 74 be taken from the Committee on Local Government and rereferred to the Committee on State Administration.

SPECIAL ORDERS OF THE DAY

Consent Calendar

SB 75 - Discussion

Upon motion of Senator Stephens, duly carried, the Senate adjourned at 5:04 p.m. until Friday, January 16, at the hour of 3:00 p.m.

JEAN A. TURNAGE
President of the Senate

JOHN W. LARSON
Secretary of the Senate

ELEVENTH LEGISLATIVE DAY

Helena, Montana
January 16, 1981

Senate Chambers
Capitol Building

Senate convened at 3:00 p.m., President Turnage presiding. Invocation by the Chaplain. Pledge of Allegiance to the Flag.

Roll call. All members present except Berg, Galt, Hammond, Manning, Mazurek, Ochsner, O'Hara, excused. Quorum present.

The Honorable United States Senator Max Baucus addressed the members of the Senate.

Mr. President: We, your Committee on Bills and Journal, having examined the daily journal for the Tenth Legislative Day, find the same to be correct.

O'HARA, Chairman

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following House Bills were on 1/15/81, passed and transmitted to the Senate for concurrence:

House Bill No. 21, introduced by Harrington

House Bill No. 47, introduced by Quilici

House Bill No. 48, introduced by Eudaily, Schultz, Lory

House Bill No. 88, introduced by Vincent, Huennekens, Marks

House Bill No. 90, introduced by Quilici

House Bill No. 114, introduced by Moore

Upon motion of Senator Stephens, duly carried, that the President be authorized to appoint a Joint Conference Committee of three to meet with a like committee from the House of Representatives to confer on House Amendments to Senate Joint Resolution No. 1.

The President appointed the following committee:

Senator Blaylock
Senator Stephens
President Turnage

FIRST READING OF BILLS

The following Senate bills were introduced, read first time and referred to committees:

SB 149, introduced by Van Valkenburg. Referred to Committee on Judiciary.

SB 150, introduced by Kolstad, Goodover, Hafferman, Dover, Galt, Sivertsen, Quilici, Iverson, Thomas, McCallum, Manley, Spilker, Conover, Wallin, Ochsner, Aklestad, Eudaily, Kitselman, Asay, Vinger, Hammond. Referred to Committee on Taxation.

SB 151, introduced by Mazurek. Referred to Committee on Business and Industry.

SB 152, introduced by Mazurek, Keating. Referred to Committee on Local Government.

SB 153, introduced by Hager. Referred to Committee on Local Government.

SB 154, introduced by Kolstad, Iverson, Kitselman, Seifert, Elliott, Hemstad, Gould, Galt, Hanson, Lee, Keyser, Yardley, Waldron, Tveit, Aklestad, Nelson, Hammond, O'Hara, Oberg, Ochsner, Crippen, Hafferman. Referred to Committee on Education.

SB 155, introduced by Keyser, McCallum. Referred to Committee on State Administration.

SB 156, introduced by Hager, B. Brown. Referred to Committee on Agriculture, Livestock and Irrigation.

SB 157, introduced by Graham. Referred to Committee on Highways and Transportation.

SB 158, introduced by Graham, (By Request of the Department of Livestock). Referred to Committee on Agriculture, Livestock and Irrigation.

SB 159, introduced by Mike Anderson. Referred to Committee on Judiciary.

SB 160, introduced by Mike Anderson. Referred to Committee on Taxation.

SB 161, introduced by Mazurek, Turnage. Referred to Committee on Judiciary.

SB 162, introduced by Mazurek. Referred to Committee on Judiciary.

SB 163, introduced by Towe, Severson, Boyland, Sivertsen, Fabrega, M. Anderson, Smith, Hager, Dover, Graham, Conover, R. L. Anderson. Referred to Committee on Taxation.

The following House bills were introduced, read first time and referred to committees:

House Bill No. 21, introduced by Harrington, (By Request of the Revenue Oversight Committee). Referred to Committee on Business and Industry.

House Bill No. 47, introduced by Quilici. Referred to Committee on Highways and Transportation.

House Bill No. 48, introduced by Eudaily, Schultz, Lory, (By Request of the Teachers' Retirement Board). Referred to Committee on State Administration.

House Bill No. 88, introduced by Vincent, Huennekens, Marks, (By Request of the Legislative Council). Referred to Committee on State Administration.

House Bill No. 90, introduced by Quilici, (By Request of the Department of Natural Resources and Conservation). Referred to Committee on Natural Resources.

House Bill No. 114, introduced by Moore, Goodover. Referred to Committee on Finance and Claims.

At the request of Senator Stephens, and without objection, the Senate reverted to Order of Business No. 6.

MOTIONS

Upon motion of Senator Stephens, duly carried, the Senate recessed until 4:00 p.m. this Legislative Day.

Senate recessed at 3:20 p.m.
Senate resumed at 4:00 p.m.

Senators Berg, Hammond, Manning, Mazurek, O'Hara, Ochsner, were all present when Senate resumed.

REPORTS OF STANDING COMMITTEES

BILLS (O'Hara, Chairman):

Considered correctly engrossed - SB 9, SB 43, SB 62, SB 72, SB 78. Report adopted.

PRINTING (O'Hara, Chairman):
Correctly printed and placed on the members' desks - SB 54, SB 59, SB 69, SB 71, SB 94. Report adopted.

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Haffey in the Chair.

Senate resumed. President Turnage in the Chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on Second Reading, recommend as follows:

That Senate Bill 3 do pass. Unanimously passed.

That Senate Bill 32 do pass. Opposed by Hafferman, Hager, Hammond, Himsl, Kolstad, Lee, Manley, Mazurek, O'Hara, Olson, Ryan, Severson, Smith, Tveit.

That Senate Bill 55 do pass. Unanimously passed.

That the Committee rise and report. (Haffey, Chairman)

Upon motion of Senator Haffey, Chairman, duly carried, the foregoing Report of the Committee of the Whole was adopted.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

Senate Bill No. 26 was passed by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Dover, Eck, Elliott, Etchart, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Keating, Kolstad, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 44

Noes: Crippen, Johnson, Lee, Story.
Total 4

Excused: None.
Total 0

Absent or not voting: Galt, O'Hara.
Total 2

CONSENT CALENDAR

Senate Bill No. 75 was passed by the following roll call vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 46

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: Galt, Johnson, O'Hara, Story.
Total 4

Upon motion of Senator Stephens, duly carried, the Senate adjourned at 4:36 p.m. until January 17, at the hour of 9:00 a.m.

JEAN A. TURNAGE
President of the Senate

JOHN W. LARSON
Secretary of the Senate

TWELFTH LEGISLATIVE DAY

Helena, Montana
January 17, 1981

Senate Chambers
Capitol Building

Senate convened at 9:00 a.m., President Turnage presiding. Invocation by the Chaplain. Pledge of Allegiance to the Flag.

Roll call. All members present except Galt, Hager, Hammond, Keating, Nelson, Ryan, excused. Quorum present.

Mr. President: We, your Committee on Bills and Journal, having examined the daily journal for the Eleventh Legislative Day, find the same to be correct.

O'HARA, Chairman

REPORTS OF STANDING COMMITTEES

BILLS (O'Hara, Chairman):
Considered correctly engrossed - SB 3, SB 32, SB 55. Report adopted.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The House on 1/16/81, authorized the Speaker to appoint a Joint Conference Committee on House Amendments to Senate Joint Resolution No. 1, to confer on House Amendments to Senate Joint Resolution No. 1.

The Speaker appointed the following members:

Representative Marks
Representative Spilker
Representative Kemmis

FIRST READING OF BILLS

The following Senate bills were introduced, read first time and referred to committees:

SB 164, introduced by S. Brown, Towe, Regan, B. Brown. Referred to Committee on Judiciary .
SB 165, introduced by E. Smith, Tveit, (By Request of the Department of State Lands). Referred to Committee on Natural Resources.
SB 166, introduced by Smith, Kolstad, Hammond, Tveit, Donaldson. Referred to Committee on Agriculture, Livestock and Irrigation.
SB 167, introduced by Regan, Hager, Hafferman, Keating, Elliott. Referred to Committee on Local Government.
SB 168, introduced by Healy, Haffey, Jacobson, Stimatz, Elliott, Thomas, Hazelbaker, Eck, (By Request of the Department of Highways). Referred to Committee on Highways and Transportation.
SB 169, introduced by Healy, Haffey, Jacobson, Stimatz, Thomas, Hazelbaker, Eck, (By Request of the Department of Highways). Referred to Committee on Highways and Transportation.
SB 170, introduced by Towe. Referred to Committee on Local Government.
SB 171, introduced by Towe. Referred to Committee on Local Government.
SB 172, introduced by Manley, Brand. Referred to Committee on Taxation.
SB 173, introduced by Towe. Referred to Committee on Local Government.
SB 174, introduced by Hager. Referred to Committee on Judiciary.

SB 175, introduced by Ochsner. Referred to Committee on Local Government.

SB 176, introduced by Stimatz, (By Request of the Department of Natural Resources and Conservation). Referred to Committee on Agriculture, Livestock and Irrigation.

SB 177, introduced by Lee, Manuel. Referred to Committee on Local Government.

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Lee in the Chair.

Senate resumed. President Turnage in the Chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on Second Reading, recommend as follows:

That Senate Bill 54 do pass. Unanimously passed.

That Senate Bill 59 do pass. Opposed by Senator Story.

That Senate Bill 71 passed consideration.

That the Committee rise and report. (Lee, Chairman)

Upon motion of Senator Lee, duly carried, the foregoing Report of the Committee of the Whole was adopted.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

Senate Bill No. 9 was passed by the following vote:

Ayes: Aklestad, Anderson, Berg, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Goodover, Graham, Hafferman, Haffey, Halligan, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Tveit, Van Valkenburg, Mr. President.
Total 43

Noes: Blaylock, Towe.
Total 2

Excused: Galt, Hager, Hammond, Keating, Ryan.
Total 5

Absent or not voting: None.
Total 0

Senate Bill No. 43 was passed by the following vote:

Ayes: Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Etchart, Graham, Haffey, Halligan, Hazelbaker, Healy, Himsl, Jacobson, Manning, Mazurek, McCallum, Norman, Ochsner, O'Hara, Regan, Stephens, Stimatz, Story, Towe, Van Valkenburg, Mr. President.
Total 31

Noes: Aklestad, Elliott, Goodover, Hafferman, Johnson, Kolstad, Lee, Manley, Nelson, Olson, Severson, Smith, Thomas, Tveit.
Total 14

Excused: Galt, Hager, Hammond, Keating, Ryan.
Total 5

Absent or not voting: None.
Total 0

Senate Bill No. 62 was passed by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Goodover, Graham, Hafferman, Haffey, Halligan, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 45

Noes: None.
Total 0

Excused: Galt, Hager, Hammond, Keating, Ryan.
Total 5

Absent or not voting: None.
Total 0

Senate Bill No. 72 was passed by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Goodover, Graham, Hafferman, Haffey, Halligan, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 45

Noes: None.
Total 0

Excused: Galt, Hager, Hammond, Keating, Ryan.
Total 5

Absent or not voting: None.
Total 0

Senate Bill No. 78 was passed by the following vote:

Ayes: Anderson, Boylan, B. Brown, S. Brown, Conover, Crippen, Eck, Elliott, Etchart, Graham, Hafferman, Haffey, Hazelbaker, Healy, Himsl, Johnson, Kolstad, Lee, Manning, McCallum, Norman, Ochsner, O'Hara, Olson, Severson, Smith, Stephens, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 33

Noes: Aklestad, Berg, Blaylock, Dover, Goodover, Halligan, Jacobson, Manley, Mazurek, Nelson, Regan, Stimatz.
Total 12

Excused: Galt, Hager, Hammond, Keating, Ryan.
Total 5

Absent or not voting: None.
Total 0

At the request of the President, and without objection, the Senate reverted to order of Business No. 6.

MOTIONS

Senator Elliott moved that Senate Bill No. 64 be taken from Engrossing and rereferred to the Committee on Labor and Employment Relations. Motion carried unanimously.

Upon motion of Senator Stephens, duly carried, the Senate adjourned at 9:36 a.m. until Monday, January 19, at the hour of 4:00 p.m.

JEAN A. TURNAGE
President of the Senate

JOHN W. LARSON
Secretary of the Senate

THIRTEENTH LEGISLATIVE DAY

Helena, Montana
January 19, 1981

Senate Chambers
Capitol Building

Senate convened at 4:00 p.m., President Turnage presiding. Invocation by the Chaplain. Pledge of Allegiance to the Flag.

Roll call. All members present except Galt, excused. Quorum present.

Mr. President: We, your Committee on Bills and Journal, having examined the daily journal for the Twelfth Legislative Day, find the same to be correct.

O'HARA, Chairman

REPORTS OF STANDING COMMITTEES

BILLS (O'Hara, Chairman):
Considered correctly engrossed - SB 54, SB 59. Report adopted.

LEGISLATIVE ADMINISTRATION (Kolstad, Chairman):
Respectfully reports as follows:

That the following attaches of the Senate be terminated as of 5:00 p.m., Saturday, January 17, 1981:

Elizabeth Ann Brook ..... Page
Timothy Dover ..... Page
J. Dawn Smith ..... Page
Marcia Copenhaver ..... Page
Terry L. Place ..... Page
Nancy Marie Fries ..... Page
Colleen Coburn ..... Page

And further, that the following attaches of the Senate be employed as of 8:00 a.m., Monday, January 19, 1981:

Becky S. Bump ..... Page
Karl Woodmansey ..... Page
Theresa McGowan ..... Page
Kay Bamford ..... Page
Michael Meyer ..... Page
Andrea Anderson ..... Page

And further, that the following attache of the Senate be employed as of 4:00 p.m., Saturday, January 17, 1981:

Keith E. Albright ..... Watchman

Report adopted.

BUSINESS AND INDUSTRY (Hazelbaker, Chairman):
SB 2, do pass. Report adopted.

PUBLIC HEALTH, WELFARE AND SAFETY (Hager, Chairman):
SB 37, do pass. Report adopted.

JUDICIARY (Anderson, Chairman):
SB 83, be amended as follows:

1. Page 1, lines 20 through 22.
Following: "false"
Strike: "or not current as to name, address, place of employment, or other items of identification"

And, as so amended, do pass. Report adopted.

PUBLIC HEALTH, WELFARE AND SAFETY (Hager, Chairman):
SB 73, introduced bill, be amended as follows:

1. Title, line 8.
Following: "THE"
Insert: "STATE, THE"

2. Title, line 8.
Following: "SERVICES"
Insert: ",AND THE COUNTY WELFARE DEPARTMENT"

3. Page 1, line 20.
Following: "(2)"
Strike: "Effective at the time of application, a"
Insert: "A"

4. Page 1, line 21.
Following: "the"
Insert: "state, the"

5. Page 1, line 22.
Following: "department"
Insert: ","

6. Page 2, line 7.
Following: "support"
Insert: "and medical"

And, as so amended, do pass. Report adopted.

JUDICIARY (Anderson, Chairman):
SB 10, do not pass.

Thereupon, the Adverse Committee Report was adopted by the following roll call vote:

Ayes: Aklestad, Anderson, Boylan, S. Brown, Conover, Dover, Elliott, Etchart, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Tveit, Mr. President.
Total 40

Noes: Berg, Blaylock, B. Brown, Crippen, Eck, Mazurek, Regan, Towe, Van Valkenburg.
Total 9

Excused: Galt.
Total 1

Absent or not voting: None.
Total 0

SB 45, do not pass.

Thereupon, the Adverse Committee Report was adopted by the following roll call vote:

Ayes: Aklestad, Anderson, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Goodover, Graham, Hafferman, Haffey, Halligan, Hammond, Hazelbaker, Healy, Himsl, Johnson, Keating,

Kolstad, Lee, Manley, Mazurek, McCallum, Nelson, O'Hara, Olson, Severson, Stephens, Story, Thomas, Tveit, Van Valkenburg, Mr. President.
Total 37

Noes: Berg, Blaylock, Hager, Jacobson, Manning, Norman, Ochsner, Regan, Ryan, Smith, Stimatz, Towe.
Total 12

Excused: Galt.
Total 1

Absent or not voting: None.
Total 0

SB 76, do not pass.

Thereupon, the Adverse Committee Report was adopted by the following roll call vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Dover, Eck, Elliott, Etchart, Goodover, Graham, Haffey, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Manley, Manning, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 42

Noes: Crippen, Hager, Keating, Kolstad, Lee, Mazurek.
Total 6

Excused: Galt.
Total 1

Absent or not voting: Hafferman.
Total 1

REPORTS OF SELECT COMMITTEES

JOINT CONFERENCE COMMITTEE ON HOUSE AMENDMENTS TO SENATE JOINT RESOLUTION NO. 1

(January 19, 1981)

MR. PRESIDENT:

We, your Joint Conference Committee having had under consideration House Amendments to Senate Joint Resolution No. 1, respectfully report as follows:

Because we have discovered some technical problems in the bill that need to be addressed, we, therefore, request the Joint Conference Committee on Senate Joint Resolution No. 1 be dissolved, and a Free Conference Committee be appointed.

Report adopted.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following House Joint Resolution was on 1/17/81, passed and transmitted to the Senate for concurrence:

House Joint Resolution No. 5, introduced by Fabrega, Norman, Nordtvedt, et al

The following House Bills were on 1/17/81, passed and transmitted to the Senate for concurrence:

House Bill No. 14, introduced by Manuel

House Bill No. 22, introduced by Fabrega

House Bill No. 38, introduced by Stobie

House Bill No. 49, introduced by Gould

House Bill No. 50, introduced by Gould

House Bill No. 52, introduced by Feda

House Bill No. 66, introduced by Bennett, Keedy, Harp, Iverson, Keyser, Daily, Pavlovich, Kanduch, R. Anderson, Conn

House Bill No. 97, introduced by Feda

House Bill No. 98, introduced by Feda

House Bill No. 219, introduced by Nordtvedt, Vinger

MOTIONS

Upon motion of Senator Stephens, duly carried, that the Joint Conference Committee on House Amendments to Senate Joint Resolution No. 1 be dissolved, and the President be authorized to appoint a Free Conference Committee of three to meet with a like committee from the House to confer on Senate Joint Resolution No. 1.

The President appointed the following committee:

Senator Stephens
Senator Blaylock
President Turnage

FIRST READING OF BILLS

The following Senate bills were introduced, read first time and referred to committees:

SB 178, introduced by Lee, Kolstad. Referred to Committee on State Administration.

SB 179, introduced by Van Valkenburg, Huennekens, Dozier. Referred to Committee on Business and Industry.

SB 180, introduced by Van Valkenburg, Bertelsen, Conover, (By Request of the Interim Committee on State Mandates and the Effects of State-Owned Property on Local Governments). Referred to Committee on Finance and Claims.

SB 181, introduced by Story, (By Request of the Administrative Code Committee). Referred to Committee on State Administration.

SB 182, introduced by B. Brown. Referred to Committee on Judiciary.

SB 183, introduced by Hammond, McCallum, Hafferman, Ochsner, Story, Dover, Goodover, Crippen, Severson, Manley, Elliott. Referred to Committee on Taxation.

SB 184, introduced by Hazelbaker, (By Request of the Public Employees' Retirement Board). Referred to Committee on State Administration.

SB 185, introduced by Graham, (By Request of the Department of Highways). Referred to Committee on Highways and Transportation.

SB 186, introduced by Graham, (By Request of the Department Of Highways). Referred to Committee on Highways and Transportation.

SB 187, introduced by Graham, (By Request of the Department of Administration). Referred to Committee on State Administration.

SB 188, introduced by Roth, B. Brown. Referred to Committee on Rules.

SB 189, introduced by B. Brown, Himsl, Olson, Severson, Stimatz, Ryan, Regan, S. Brown, Anderson, Keedy. Referred to Committee on State Administration.

SB 190, introduced by B. Brown, Himsl, Olson, Severson, Ryan, Stimatz, Regan, S. Brown, Anderson, Keedy. Referred to Committee on State Administration.

SB 191, introduced by Elliott. Referred to Committee on Labor and Employment Relations.

SB 192, introduced by Elliott, McCallum. Referred to Committee on Taxation.

SB 193, introduced by Haffey, (By Request of the Department of Professional and Occupational Licensing). Referred to Committee on Public Health, Welfare and Safety.

SB 194, introduced by Haffey. Referred to Committee on State Administration.

SB 195, introduced by Haffey, (By Request of the Department of Professional and Occupational Licensing). Referred to Committee on Public Health, Welfare and Safety.

The following House Bill bills were introduced, read first time and referred to committees:

HB 14, introduced by Manuel. Referred to Committee on Business and Industry.

HB 22, introduced by Fabrega, (By Request of the Revenue Oversight Committee). Referred to Committee on Taxation.

HB 38, introduced by Stobie, (By Request of the Administrative Code Committee). Referred to Committee on State Administration.

HB 49, introduced by Gould, (By Request of the Department of Labor and Industry). Referred to Committee on Labor and Employment Relations.

HB 50, introduced by Gould, (By Request of the Department of Social and Rehabilitation Services). Referred to Committee on Public Health, Welfare and Safety.

HB 52, introduced by Feda. Referred to Committee on Judiciary.

HB 66, introduced by Bennett, Keedy, Harp, Iverson, Keyser, Daily, Pavlovich, Kanduch, R. Anderson, Conn. Referred to Committee on Judiciary.

HB 97, introduced by Feda, (By Request of the Public Employees' Retirement Board). Referred to Committee on State Administration.

HB 98, introduced by Feda, (By Request of the Public Employees' Retirement Board). Referred to Committee on State Administration .

HB 219, introduced by Nordtvedt, Vinger, (By Request of the Revenue Oversight Committee). Referred to Committee on Taxation.

The following House Joint Resolution was introduced, read first time and referred to committee:

HJR 5, introduced by Fabrega, Norman, Goodover, Huennekens, Nordtvedt. Referred to Committee on Taxation.

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Jacobson in the Chair.

Senate resumed. President Turnage in the Chair.

Mr. President: We your Committee of the Whole, having had under consideration business on Second Reading, recommend as follows:

That Senate Bill No. 69 do pass. Unanimously passed.

That Senate Bill No. 71 be amended as follows:

1. Page 2.
Strike: line 12 in its entirety.
Renumber: subsequent subsections.

2. Following: Line 16.
Insert: "(b) The state law library in Helena shall be provided with four copies of the Montana Code Annotated and supplements including annotations and other subsequent and ancillary publications."
Reletter: the following subsection

Amendment passed by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Severson, Smith, Stephens, Stimatz, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 47

Noes: Ryan, Story.
Total 2

Excused: Galt.
Total 1

Absent or not voting: None.
Total 0

And, as so amended, do pass. Opposed by Aklestad, Himsl, Nelson, Olson, Ryan, Story, Tveit.

That Senate Bill No. 94 be passed for the day. Unanimously passed.

That the Committee rise and report. (Jacobson, Chairman)

Upon motion of Senator Jacobson, duly carried, the foregoing Report of the Committee of the Whole was adopted.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

Senate Bill No. 3 was passed by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Galt.
Total 1

Absent or not voting: None.

Total 0

Senate Bill No. 32 was passed by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, B. Brown, Conover, Dover, Eck, Elliott, Etchart, Goodover, Graham, Haffey, Hager, Halligan, Hazelbaker, Healy, Johnson, Keating, Kolstad, Manning, McCallum, Nelson, Norman, Ochsner, O'Hara, Regan, Smith, Stephens, Story, Thomas, Towe, Mr. President.
Total 33

Noes: Boylan, S. Brown, Crippen, Hafferman, Hammond, Himsl, Jacobson, Lee, Manley, Mazurek, Olson, Ryan, Severson, Stimatz, Tveit, Van Valkenburg.
Total 16

Excused: Galt.
Total 1

Absent or not voting: None.
Total 0

Senate Bill No. 55 was passed by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Galt.
Total 1

Absent or not voting: None.
Total 0

The Senate will please take note that the President will sign the following bill at the hour of adjournment, January 19, 1981:
HJR 3.

Jean Turnage
President

Upon motion of Senator Stephens, duly carried, the Senate adjourned at 4:40 p.m. until Tuesday, January 20, at the hour of 4:00 p.m.

JEAN A. TURNAGE
President of the Senate

JOHN W. LARSON
Secretary of the Senate

FOURTEENTH LEGISLATIVE DAY

Helena, Montana
January 20, 1981

Senate Chambers
Capitol Building

Senate convened at 4:00 p.m., President Turnage presiding. Invocation by the Chaplain. Pledge of Allegiance to the Flag.

Roll call. All members present except McCallum, excused. Quorum present.

Mr. President: We, your Committee on Bills and Journal, having examined the daily journal for the Thirteenth Legislative Day, find the same to be correct.

O'HARA, Chairman

SPECIAL ORDERS OF THE DAY

Senate Majority Leader Stan Stephens gave the following address to the members of the Senate:

MR. PRESIDENT AND MEMBERS OF THE SENATE:

With your permission I would like to recognize the historical occurrences of this day. In so doing I have eliminated the formal and rigid prose such resolutions are clothed in because the historical significance of the release of our American hostages from captivity in Iran deserves to be recognized within the depths of sincerity befitting such occasions when this nation speaks from the heart.

We are today a grateful nation. Grateful to the divine architect of the universe for sustaining our hostages and their families and relatives throughout this long ordeal. Grateful to PRESIDENT JAMES EARL CARTER whose determination and dedication to resolve this grave issue was tempered with reason, intelligence and understanding of the awesome responsibility that was his alone. Almost to the very hour the torch of presidential authority was being passed from President Carter to now PRESIDENT REAGAN the news came that our American hostages had been set free.

What a glorious tribute to PRESIDENT REAGAN that his inauguration should be crowned with such a joyful event. What a glorious tribute to PRESIDENT CARTER that his years as president should be sealed with such a momentous achievement. This is a triumphant day for the world and particularly for all of us who are privileged to be ordained Americans.

MR. PRESIDENT, with your permission and that of our colleagues I respectfully request that this message be recorded in the journal of this day as expressing the sentiments of the Montana State Senate.

At the request of the President, and without objection, the Senate reverted to Order of Business No. 2.

REPORTS OF STANDING COMMITTEES

BILLS (O'Hara, Chairman):
Considered correctly engrossed - SB 69. Report adopted.
Correctly engrossed - SB 71. Report adopted.

PRINTING (O'Hara, Chairman):
Correctly printed and placed on the members' desks - SB 2, SB 37, SB 73, SB 83. Report adopted.

LEGISLATIVE ADMINISTRATION (Kolstad, Chairman):
Respectfully reports as follows:

That the following attache of the Senate be employed as of 8:00 a.m., Tuesday,January 20, 1981:

Beverly Elaine Braut.....Comm. Secy.

Do pass. Report adopted.

EDUCATION (Brown, Chairman):
SB 23, do pass. Report adopted.
SB 58, be amended as follows:

1. Title, line 8.
Following: "ACT"
Insert: "; AND PROVIDING AN EFFECTIVE DATE"

2. Page 2.
Following: line 4
Insert: "Section 3. Effective date. This act is effective July 1, 1981."
And, as so amended, do pass. Report adopted.

SB 67, do pass. Report adopted.

HIGHWAYS AND TRANSPORTATION (Etchart, Chairman):
SB 66, introduced bill, be amended as follows:

1. Page 1, line 15.
Following: "bond"
Insert: "on each vehicle"

2. Page 1, line 15.
Following: "station"
Strike: "."
Insert: ","

3. Page 1, line 15 and 16.
Following: "station,"
Strike: "No more than one permit may be obtained during a calendar year."
Insert: "or with any person authorized by the department of highways to issue a cash compliance bond."
And as so amended, do pass. Report adopted.
SB 79, do pass. Report adopted.

JUDICIARY (Anderson, Chairman):
SB 63, do pass. Report adopted.
SB 89, do pass. Report adopted.

STATE ADMINISTRATION (Story, Chairman):
SB 87, do pass. Report adopted.
SB 105, be amended as follows:

1. Title, line 5 and 6.
Following: "CIRCULATE"
Strike: "AN INITIATIVE"
Insert: "A BALLOT ISSUE"
And, as so amended, do pass. Report adopted.

LEGISLATIVE ADMINISTRATION (Kolstad, Chairman):
HB 32, be concurred in. Report adopted.

EDUCATION (Brown, Chairman):

SB 68, do not pass.

Thereupon, the Adverse Committee Report was adopted by the following roll call vote:

Ayes: Aklestad, Anderson, Berg, Boylan, B. Brown, Conover, Crippen, Dover, Eck, Elliott, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, Nelson, Norman, Ochsner, O'Hara, Olson, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 43

Noes: Blaylock, S. Brown, Halligan, Regan, Ryan.
Total 5

Excused: McCallum.
Total 1

Absent or not voting: Etchart.
Total 1

STATE ADMINISTRATION (Story, Chairman):
SB 81, do not pass.

Thereupon, the Adverse Committee Report was adopted by the following roll call vote:

Ayes: Aklestad, Anderson, Boylan, B. Brown, Conover, Crippen, Dover, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Hager, Hammond, Hazelbaker, Healy, Himsl, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, Nelson, Norman, Ochsner, O'Hara, Olson, Ryan, Severson, Smith, Stephens, Story, Tveit, Mr. President.
Total 37

Noes: Berg, Blaylock, S. Brown, Eck, Haffey, Halligan, Jacobson, Regan, Stimatz, Thomas, Towe, Van Valkenburg.
Total 12

Excused: McCallum.
Total 1

Absent or not voting: None.
Total 0

SB 82, do not pass.

Thereupon, the Adverse Committee Report was adopted by the following roll call vote:

Yeas: Aklestad, Anderson, Blaylock, Boylan, S. Brown, Conover, Crippen, Dover, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Hager, Hammond, Hazelbaker, Healy, Himsl, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, Nelson, Norman, Ochsner, Olson, Ryan, Severson, Smith, Stephens, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 40

Noes: Berg, Eck, Haffey, Halligan, Jacobson, O'Hara, Regan, Stimatz.
Total 8

Excused: McCallum.
Total 1

Absent or not voting: B. Brown.

Total 1

SB 92, do not pass.

Thereupon, the Adverse Committee Report was adopted by the following roll call vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, B. Brown, S. Brown, Conover, Crippen, Eck, Elliott, Etchart, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Manley, Manning, Mazurek, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 43

Noes: Boylan, Dover, Galt, Hafferman, Lee, Smith.
Total 6

Excused: McCallum.
Total 1

Absent or not voting: None.
Total 0

SB 93, do not pass.

Thereupon, the Adverse Committee Report was adopted by the following roll call vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, B. Brown, S. Brown, Conover, Crippen, Eck, Etchart, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Kolstad, Manley, Manning, Mazurek, Nelson, Norman, O'Hara, Regan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 39

Noes: Boylan, Dover, Elliott, Galt, Goodover, Keating, Lee, Ochsner, Olson.
Total 9

Excused: McCallum.
Total 1

Absent or not voting: Ryan.

Total 1

SB 104, do not pass.

Thereupon, the Adverse Committee Report was adopted by the following roll call vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, S. Brown, Conover, Crippen, Eck, Elliott, Etchart, Graham, Haffey, Hager, Halligan, Healy, Himsl, Jacobson, Manley, Manning, Mazurek, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Severson, Stephens, Stimatz, Story, Thomas, Towe, Van Valkenburg, Mr. President.
Total 34

Noes: Boylan, B. Brown, Dover, Galt, Goodover, Hafferman, Hammond, Hazelbaker, Johnson, Keating, Kolstad, Lee, Ryan, Smith, Tveit.
Total 15

Excused: McCallum.

Total 1

Absent or not voting: None.
Total 0

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following House Bills were on 1/19/81, passed and transmitted to the Senate for concurrence:

House Bill No. 13, introduced by Fabrega

House Bill No. 17, introduced by Nordtvedt

House Bill No. 30, introduced by Roush

House Bill No. 34, introduced by Ernst, Lund, Brown, et al

House Bill No. 70, introduced by Pavlovich

House Bill No. 104, introduced by Manuel

House Bill No. 122, introduced by Harper

House Bill No. 139, introduced by Thoft, Bengtson, Robbins, et al

House Bill No. 149, introduced by Lund

The House on 1/20/81, dissolved the Joint Conference Committee on House Amendments to Senate Joint Resolution No. 1, and the Speaker was authorized to appoint a Free Conference Committee to meet with a like committee from the Senate to confer on House Amendments to Senate Joint Resolution No. 1.

The following members were appointed:

Representative Marks
Representative Spilker
Representative Kemmis

MOTIONS

Motion was made by Senator Nelson that Senate Bill No. 52 be taken from the Committee on Labor and rereferred to the Committee on State Administration. Motion failed by the following roll call vote:

Ayes: Aklestad, Anderson, Dover, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Hager, Hammond, Hazelbaker, Keating, Kolstad, Lee, Nelson, Smith, Stephens, Story, Tveit, Mr. President.
Total 21

Noes: Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Eck, Haffey, Halligan, Healy, Himsl, Jacobson, Johnson, Manley, Manning, Mazurek, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Stimatz, Thomas, Towe, Van Valkenburg.
Total 28

Excused: McCallum.
Total 1

Absent or not voting: None.
Total 0

FIRST READING OF BILLS

The following Senate bills were introduced, read first time and referred to committees:

SB 196, introduced by Dover, (By Request of the Environmental Quality Council). Referred to Committee on Judiciary.
SB 197, introduced by Berg, Regan. Referred to Committee on Education.
SB 198, introduced by Himsl. Referred to Committee on Labor and Employment Relations.
SB 199, introduced by Etchart, Hammond. Referred to Committee on Agriculture, Livestock and Irrigation.
SB 200, introduced by Lee, Kolstad, Briggs, Keating, Jacobsen, Burnett, Smith, Underdal, Conroy, Kanduch, Hafferman, Conover, Smith, Roth. Referred to Committee on Taxation.
SB 201, introduced by Dover. Referred to Committee on Judiciary.
SB 202, introduced by Van Valkenburg, Keedy. Referred to Committee on State Administration.
SB 203, introduced by Towe, Van Valkenburg, S. Brown, Hazelbaker, M. Anderson, Regan. Referred to Committee on Judiciary.
SB 204, introduced by S. Brown. Referred to Committee on Local Government.
SB 205, introduced by S. Brown. Referred to Committee on Natural Resources.
SB 206, introduced by Towe. Referred to Committee on Taxation.
SB 207, introduced by Towe, Manning, Turnage, Thomas, B. Brown, (By Request of the Revenue Oversight Committee). Referred to Committee on Taxation.
SB 208, introduced by Towe, Huennekens, Hurwitz, B. Brown, Turnage, Thomas, (By Request of the Revenue Oversight Committee). Referred to Committee on Taxation.
SB 209, introduced by Mazurek. Referred to Committee on Judiciary.
SB 210, introduced by Senate Taxation Committee. Referred to Committee on Taxation.
SB 211, introduced by Hazelbaker. Referred to Committee on Business and Industry.
SB 212, introduced by Hager, (By Request of the Department of Health and Environmental Sciences). Referred to Committee on Public Health, Welfare and Safety.
SB 213, introduced by Dover. Referred to Committee on Taxation.
SB 214, introduced by Ryan. Referred to Committee on Judiciary.
SB 215, introduced by Mazurek, S. Brown, Hazelbaker, J. O'Hara. Referred to Committee on Local Government.
SB 216, introduced by S. Brown, (By Request of the Legislative Audit Committee). Referred to Committee on State Administration.
SB 217, introduced by S. Brown, (By Request of the Legislative Audit Committee). Referred to Committee on State Administration.
SB 218, introduced by S. Brown, (By Request of the Legislative Audit Committee). Referred to Committee on State Administration.

The following Senate Joint Resolution was introduced, read first time and referred to committee:

SJR 4, introduced by Hafferman, Hazelbaker, Galt, Manley, Keating, Kolstad, Hammond, Aklestad, Conover, Elliott, Graham, Lee, Smith, Ochsner, Manning, McCallum, Story, J. O'Hara, Hager, Nelson, Boylan, Himsl, Williams. Referred to Committee on Judiciary.

The following House bills were introduced, read first time and referred to committees:

HB 13, introduced by Fabrega, (By Request of the Revenue Oversight Committee). Referred to Committee on Taxation.

HB 17, introduced by Nordtvedt, (By Request of the Revenue Oversight Committee). Referred to Committee on Taxation.
HB 30, introduced by Roush. Referred to Committee on Business and Industry.
HB 34, introduced by Ernst, Lund, Brown, McLane. Referred to Committee on Taxation.
HB 70, introduced by Pavlovich. Referred to Committee on Public Health, Welfare and Safety.
HB 104, introduced by Manuel. Referred to Committee on Business and Industry.
HB 122, introduced by Harper. Referred to Committee on Fish and Game.
HB 139, introduced by Thoft, Bengtson, Robbins, Manuel, Donaldson, Schultz, Sales, Waldron, Nordtvedt, Eudaily. Referred to Committee on State Administration.
HB 149, introduced by Lund. Referred to Committee on State Administration.

At the request of the President, and without objection, the Senate reverted to Order of Business No. 6.

MOTIONS

Senator Regan moved that Senate Bill No. 52 be reported out of Committee on Labor with a "do pass" and printed and placed on Second Reading. Motion failed by the following vote:

Ayes: Berg, Blaylock, Boylan, S. Brown, Conover, Eck, Graham, Haffey, Halligan, Healy, Jacobson, Keating, Manley, Manning, Mazurek, Norman, Ochsner, Regan, Ryan, Stimatz, Thomas, Towe, Van Valkenburg.
Total 23

Noes: Aklestad, Anderson, Crippen, Dover, Elliott, Etchart, Galt, Goodover, Hafferman, Hammond, Hazelbaker, Himsl, Johnson, Kolstad, Lee, Nelson, O'Hara, Olson, Severson, Smith, Stephens, Story, Tveit, Mr. President.
Total 24

Excused: McCallum.
Total 1

Absent or not voting: B. Brown, Hager.
Total 2

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Tveit in the Chair.

Senate resumed. President Turnage in the Chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on Second Reading, recommend as follows:

That Senate Bill No. 94 do pass. Unanimously passed.

That the Committee rise and report. (Tveit, Chairman)

Upon motion of Senator Tveit, duly carried, the foregoing Report of the Committee of the Whole was adopted.

At the request of the President, and without objection, the Senate reverted to Order of Business No. 6.

MOTIONS

Senator Towe moved that the Senate reconsider its action taken on the adoption of an Adverse Committee Report on Senate Bill No. 10 this Legislative Day and that it be printed and placed on Second Reading. Motion failed by the following vote:

Ayes: Berg, Blaylock, B. Brown, Conover, Eck, Haffey, Halligan, Healy, Jacobson, Manning, Mazurek, Norman, Regan, Stimatz, Towe, Van Valkenburg.
Total 16

Noes: Aklestad, Anderson, Boylan, S. Brown, Crippen, Dover, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Hager, Hammond, Hazelbaker, Himsl, Johnson, Keating, Kolstad, Lee, Manley, Nelson, Ochsner, O'Hara, Olson, Ryan, Severson, Smith, Stephens, Story, Thomas, Tveit, Mr. President.
Total 33

Excused: McCallum.
Total 1

Absent or not voting: None.
Total 0

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

Senate Bill No. 54 was passed by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: McCallum.
Total 1

Absent or not voting: None.
Total 0

Senate Bill No. 59 was passed by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Manley, Manning, Mazurek, Nelson, Norman, Ochsner, O'Hara, Regan, Ryan, Smith, Stephens, Stimatz, Thomas, Towe, Tveit, Mr. President.
Total 43

Noes: Kolstad, Lee, Olson, Story.
Total 4

Excused: McCallum.

Total 1

Absent or not voting: Severson, Van Valkenburg.
Total 2

At the request of the President, and without objection, the Senate reverted to Order of Business No. 3.

REPORTS OF SELECT COMMITTEES

FREE CONFERENCE COMMITTEE ON SENATE JOINT RESOLUTION NO. 1
(Report No. 1, January 20, 1981)

MR. PRESIDENT AND SPEAKER OF THE HOUSE:

We, your Free Conference Committee on Senate Joint Resolution No. 1, met on January 20, 1981, and recommend as follows:

The reference copy of Senate Joint Resolution No. 1 read as specified in the CLERICAL INSTRUCTIONS.

CLERICAL INSTRUCTIONS:

1. Page 19, line 13.
Following: "Council"
Reinsert: All stricken language

2. Page 19, line 24.
Following: "(H)"
Strike: "TAXATION"
Insert: "revenue"

3. Page 19, line 25, and page 20, line 1.
Following: "(2)"
Reinsert: All stricken language
Following: "by"
Strike: "ALL BILLS AND RESOLUTIONS WILL BE SUBMITTED TO"

4. Page 20, lines 3 and 4.
Following: "for"
Strike: "DRAFTING OR FOR COMPLIANCE WITH"

FOR THE SENATE:	FOR THE HOUSE:
Stephens, Chairman	Marks, Chairman
Blaylock	Spilker
Turnage	Kemmis

Report adopted.

The Senate will please take note that the President did, at the hour of adjournment, 1/19/81, sign the following resolution:
HJR 3.

Jean Turnage
President

Upon motion of Senator Stephens, duly carried, the Senate adjourned at 5:08 p.m. until Wednesday, January 21, at the hour of 4:00 p.m.

JEAN A. TURNAGE
President of the Senate

JOHN W. LARSON
Secretary of the Senate

FIFTEENTH LEGISLATIVE DAY

Helena, Montana
January 21, 1981

Senate Chambers
Capitol Building

Senate convened at 4:00 p.m., President Turnage presiding. Invocation by the Chaplain. Pledge of Allegiance to the Flag.

Roll call. All members present except J. Johnson, McCallum, Nelson, Stephens, excused. Quorum present.

Mr. President: We, your Committee on Bills and Journal, having examined the daily journal for the Fourteenth Legislative Day, find the same to be correct.

O'HARA, Chairman

REPORTS OF STANDING COMMITTEES

PRINTING (O'Hara, Chairman):
Correctly printed and placed on the members' desks - SB 23, SB 58, SB 63, SB 66, SB 67, SB 79, SB 87, SB 89, SB 105. Report adopted.

BILLS (O'Hara, Chairman):
Considered correctly engrossed - SB 94. Report adopted.

JUDICIARY (Anderson, Chairman):
SB 111, introduced bill, be amended as follows:

1. Title, line 11.
Following: "PERSONS"
Insert: "BY CHANGING THE REFERENCE TO THE RULEMAKING BODY"

2. Page 6, line 3.
Following: "the"
Strike: "state board of health and environmental sciences"
Insert: "division of forensic sciences"

3. Page 6, line 4.
Following: "uniform"
Strike: "standards"
Insert: "rules"

And, as so amended, do pass. Report adopted.

LABOR AND EMPLOYMENT RELATIONS (Nelson, Chairman):
SB 60, introduced bill, be amended as follows:

1. Page 2, lines 3 and 4.
Following: "chapter"
Strike: "are subject to regulation by the division"
Insert: ", excluding hospital services, shall be established by the workers compensation division based on the 90th percentile of usual and customary charges of the medical specialty involved based upon the most recent 6 months data as determined in January and July of each year"

And, as so amended, do pass. Report adopted.

STATE ADMINISTRATION (Story, Chairman):
SB 86, introduced bill, be amended as follows:

1. Title, line 7.

Following: "PETITION"
Insert: "AND TO LIMIT TO FIFTEEN PER CENT THE SIGNERS INCLUDED FROM ONE DISTRICT"

2. Page 2, line 9.
Following: "petitions"
Insert: "and to limit to 15% the signers included from one district"

3. Page 2, line 11.
Following: "petitions"
Insert: "and to limit to 15% the signers included from one district"

And, as so amended, do pass. Report adopted.

SB 113, do pass. Report adopted.
SB 142, do pass. Report adopted.

TAXATION (Goodover, Chairman):
SB 34, introduced bill, be amended as follows:

1. Page 2, line 3.
Following: "eligibility."
Insert: "The taxpayer shall inform the department of any change in eligibility. The department may inquire by mail whether any change in eligibility has taken place and may require a new statement of eligibility at any time it considers necessary."

And, as so amended, do pass. Report adopted.

JUDICIARY (Anderson, Chairman):
SJR 2, introduced bill, be amended as follows:

1. Page 3, line 10.
Following: ";"
Strike: "and"

2. Page 3, line 12.
Following: "the system"
Strike: "."
Insert: "; and"

3. Page 3.
Following: line 12
Insert: "(10) efficiency, costs, and administration of the existing juvenile justice system."

And, as so amended, do pass. Report adopted.

FINANCE AND CLAIMS (Himsl, Chairman):
HB 114, be concurred in. Report adopted.

AGRICULTURE, LIVESTOCK AND IRRIGATION (Galt, Chairman):
SB 108, do not pass.

Thereupon, the Adverse Committee Report was adopted by the following roll call vote:

Ayes: Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hazelbaker, Healy, Himsl, Jacobson, Keating, Manley, Manning, Mazurek, Norman, Ochsner, Olson, Regan, Ryan, Severson, Smith, Stimatz, Towe, Tveit, Van Valkenburg.
Total 36

Noes: Aklestad, Crippen, Hafferman, Hammond, Kolstad, Lee, O'Hara, Story, Mr. President.
Total 9

Excused: Johnson, McCallum, Nelson, Stephens.
Total 4

Absent or not voting: Thomas.
Total 1

SB 110, do not pass.

Thereupon, the Adverse Committee Report was adopted by the following roll call vote:

Ayes: Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Eck, Etchart, Galt, Graham, Haffey, Hager, Halligan, Hazelbaker, Healy, Himsl, Jacobson, Keating, Manley, Manning, Mazurek, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stimatz, Thomas, Towe, Tveit, Van Valkenburg.
Total 35

Noes: Aklestad, Crippen, Dover, Elliott, Goodover, Hammond, Kolstad, Lee, Story, Mr. President.
Total 10

Excused: Johnson, McCallum, Nelson, Stephens.
Total 4

Absent or not voting: Hafferman.
Total 1

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following House Bills were on 1/20/81, passed and transmitted to the Senate for concurrence:

House Bill No. 6, introduced by Keedy, Keyser, Moore, et al

House Bill No. 8, introduced by Yardley

House Bill No. 9, introduced by Yardley

House Bill No. 11, introduced by Spilker

House Bill No. 55, introduced by Fabrega

House Bill No. 58, introduced by Kessler

House Bill No. 93, introduced by Bennett, Keedy, Daily, et al

The House on 1/20/81, concurred in Free Conference Committee on Senate Joint Resolution No. 1.

MOTIONS

Motion was made by Senator Smith that the rules of the Forty-seventh Legislature be temporarily suspended in order to place the Free Conference Committee on Senate Joint Resolution No. 1 on Second Reading this Legislative Day. Motion carried by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.

Total 45

Noes: None.
Total 0

Excused: Johnson, McCallum, Nelson, Stephens.
Total 4

Absent or not voting: Eck.
Total 1

Senator Smith moved that the Senate resolve itself into a Committee of the Whole for the purpose of Second Reading of Bills. Motion carried unanimously.

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Ryan in the Chair.

Senate resumed. President Turnage in the Chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on Second Reading, recommend as follows:

That Senate Bill No. 2 do pass. Unanimously passed.

That Senate Bill No. 37 passed for the day. Unanimously passed.

That Senate Bill No. 73 passed for the day. Unanimously passed.

That Senate Bill No. 83 do pass. Unanimously passed.

That Senate Joint Resolution No. 1 Free Conference Committee Report No. 1 be adopted. Unanimously adopted.

That the Committee rise and report. (Ryan, Chairman)

Upon motion of Senator Ryan, duly carried, the foregoing Report of the Committee of the Whole was adopted.

At the request of the President, and without objection, the Senate reverted to Order of Business No. 6.

MOTIONS

Motion was made by Senator Smith that the rules of the Forty-seventh Legislature be temporarily suspended in order to place the Free Conference Committee Report No. 1 on Senate Joint Resolution No. 1 on Third Reading this Legislative Day. Motion carried by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 46

Noes: None.
Total 0

Excused: Johnson, McCallum, Nelson, Stephens.
Total 4

Absent or not voting: None.

Total 0

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

Senate Bill No. 69 was passed by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, Norman, Ochsner, O'Hara, Olson, Regan, Severson, Smith, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 45

Noes: Ryan.
Total 1

Excused: Johnson, McCallum, Nelson, Stephens.
Total 4

Absent or not voting: None.
Total 0

Senate Bill No. 71 was passed by the following vote:

Ayes: Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Jacobson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, Norman, Ochsner, O'Hara, Regan, Severson, Smith, Stimatz, Thomas, Towe, Van Valkenburg, Mr. President.
Total 40

Noes: Aklestad, Himsl, Olson, Ryan, Story, Tveit.
Total 6

Excused: Johnson, McCallum, Nelson, Stephens.
Total 4

Absent or not voting: None.
Total 0

Free Conference Committee Report No. 1 on Senate Joint Resolution No. 1 was passed by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 46

Noes: None.
Total 0

Excused: Johnson, McCallum, Nelson, Stephens.
Total 4

Absent or not voting: None.
Total 0

FIRST READING OF BILLS

The following Senate bills were introduced, read first time and referred to committees:

SB 219, introduced by Towe, Huennekens, M. Anderson. Referred to Committee on Judiciary.

SB 220, introduced by Towe. Referred to Committee on Business and Industry.

SB 221, introduced by Van Valkenburg. Referred to Committee on Taxation.

SB 222, introduced by Kolstad, M. Anderson, Keyser, Seifert, J. O'Hara, Vinger, Manuel, Jacobsen. Referred to Committee on Judiciary.

SB 223, introduced by Blaylock. Referred to Committee on State Administration.

SB 224, introduced by Ryan. Referred to Committee on Judiciary.

SB 225, introduced by Tveit. Referred to Committee on Business and Industry.

SB 226, introduced by Healy. Referred to Committee on Labor and Employment Relations.

SB 227, introduced by B. Brown, Yardley, S. Brown, Curtiss, Anderson, Hazelbaker, Halligan, Harper, Conn. Referred to Committee on Judiciary.

SB 228, introduced by Regan, Olson, (By Request of the Department of Social and Rehabilitation Services). Referred to Committee on Public Health, Welfare and Safety.

SB 229, introduced by Turnage, McBride, Hazelbaker, B. Brown, Dover, Towe. Referred to Committee on Natural Resources.

The following Senate Resolution was introduced, read first time, and referred to committee:

SR 2, introduced by B. Brown, McCallum, Manley, Mueller, Kanduch, Severson, Hafferman, Turnage, Elliott, Van Valkenburg, Norman, Eck, Johnson, Himsl, Sivertsen, M. Anderson, Hanson, Ryan, Winslow, Hannah, Wallin, Galt, Briggs, Schultz, Stobie, Ernst, Daily, Phillips, Jacobsen, R. E. Manning, Shelden, Harrington. Referred to Committee on Natural Resources.

The following House bills were introduced, read first time and referred to committees:

HB 6, introduced by Keedy, Keyser, Moore, Conn, Sivertsen, Conroy, Anderson, Donaldson, Thoft, Ellerd, Sales, Smith, Underdal, Iverson, Burnett, Quilici, O'Connell, Pistoria, Teague, Dozier, Manuel, Pavlovich, Spilker, Feda, Hemstad, Curtiss, Lund, Zabrocki, Williams, Huennekens, Fabrega, Menahan, Eudaily, Abrams, Briggs, Kanduch, Seifert, Kropp, Bennett, Mueller, Harrington, Matsko, Phillips, Robbins, (By Request of the Interim Committee on Corrections Policy and Facility Needs). Referred to Committee on Judiciary.

HB 8, introduced by Yardley, (By Request of the Study Committee on Corrections Policy and Facility Needs). Referred to Committee on Judiciary.

HB 9, introduced by Yardley, (By Request of the Interim Committee on Corrections Policy and Facility Needs). Referred to Committee on Judiciary.

HB 11, introduced by Spilker, (By Request of the Study Committee on State Mandates and the Effects of State-Owned Property on Local Governments). Referred to Committee on Labor and Employment Relations.

HB 55, introduced by Fabrega, (By Request of the Study Committee on Annexation Laws). Referred to Committee on Local Government.
HB 58, introduced by Kessler, (By Request of the Study Committee on Annexation Laws). Referred to Committee on Local Government.
HB 93, introduced by Bennett, Keedy, Daily, Pavlovich, Spilker, Winslow. Referred to Committee on Judiciary.

At the request of the President, and without objection, the Senate reverted to Order of Business No. 6.

MOTIONS

Motion was made by Senator B. Brown that Senate Bill No. 23 which is on tentative Second Reading for the Sixteenth Legislative Day, be postponed until Friday, January 23, 1981. Motion carried unanimously.

Motion was made by Senator B. Brown that Senate Bill No. 73 which was on Second Reading this Legislative Day be postponed until Friday, January 23, 1981. Motion carried unanimously.

Motion was made by Senator Dover that Senate Bill No. 196 be taken from the Committee on Judiciary and rereferred to the Committee on Natural Resources. Motion carried unanimously.

Motion was made by Senator Anderson that Senate Bill No. 159 be taken from the Committee on Judiciary and rereferred to the Committee on Fish and Game. Motion carried unanimously.

Upon motion of Senator Smith, duly carried, the Senate adjourned at 4:46 p.m. until Thursday, January 22, at the hour of 4:00 p.m.

JEAN A. TURNAGE
President of the Senate

JOHN W. LARSON
Secretary of the Senate

SIXTEENTH LEGISLATIVE DAY

Helena, Montana
January 22, 1981

Senate Chambers
Capitol Building

Senate convened at 4:00 p.m., President Pro Tempore Kolstad presiding. Invocation by the Chaplain. Pledge of Allegiance to the Flag.

Roll call. All members present except McCallum, excused. Quorum present.

Mr. President: We, your Committee on Bills and Journal, having examined the daily journal for the Fifteenth Legislative Day, find the same to be correct.

O'HARA, Chairman

REPORTS OF STANDING COMMITTEES

PRINTING (O'Hara, Chairman):
Correctly printed and placed on the members' desks - SB 34, SB 60, SB 86, SB 111, SB 113, SB 142, SJR 2. Report adopted.

BILLS (O'Hara, Chairman):
Considered correctly engrossed - SB 2, SB 83. Report adopted.

AGRICULTURE, LIVESTOCK AND IRRIGATION (Galt, Chairman):
SB 4, introduced bill, be amended as follows:

1. Title, line 8.
Following: "ON"
Strike: "AGRICULTURAL AND TIMBER LAND"
Insert: "PRIVATE LAND NOT WITHIN AN INCORPORATED CITY OR TOWN"

2. Page 2, lines 16 and 17.
Following: "all"
Strike: "land classified as agricultural and timber land by the Montana department of revenue"
Insert: "private land which is not within an incorporated city or town"

3. Page 6, line 3.
Following: "of"
Strike: "11"
Insert: "12"

4. Page 6, line 4.
Following: "and"
Strike: "four"
Insert: "five"

5. Page 7, line 6.
Following: "of"
Insert: "the"
Following: "service;"
Strike: "and"
Insert: "(d) the director of the department of fish, wildlife, and parks; and"

6. Page 7, line 7.
Following: line 6
Strike: "(d)"

Insert: "(e)"

7. Page 8, line 14.
Following: "district"
Strike: "for"
Insert: "from"

8. Page 9, line 1.
Strike: "agricultural and timber land — refund"
Insert: "land — election to not support research and education"

9. Page 9, lines 3 and 4.
Following: "all"
Strike: "agricultural and timber land real property"
Insert: "private land which is not within an incorporated city or town"

10. Page 9, lines 7 through 14.
Strike: subsection (2) in its entirety
Insert: "(2) A landowner electing not to support and maintain the weed research and education program established under [this act] shall file a notice of election to not support the program with the county treasurer of the county in which the land is located on or before August 1. For that year the 2 mill tax levy may not be applied to the taxable value of such property. A similar election may be made each year during the continuation of the program. The county treasurer shall keep a record of all such notices for at least 2 years."

11. Page 9, lines 18 and 19.
Following: "it"
Strike: ", including any tax that be subsequently refunded under subsection (2)"

And, as so amended, do pass. Report adopted.

The Committee adopted the following Statement of Intent:

STATEMENT OF INTENT: Senate Bill No. 4

A statement of intent is required for Senate Bill No. 4 because it delegates rulemaking authority to the Director of the Agricultural Experiment Station in Section 4.

Such rules are intended to include: procedures for the review of grant applications; criteria for awarding grants, including prioritizing projects and determining which plants will be designated as weeds; procedures for disseminating information to the public, including determining what reports are required; methods for encouraging grant applications from in-state; and a process for developing a needs assessment statement to determine the areas in which research and education will be emphasized. Recommendations for rules shall be developed by the citizens' committee established in Section 5 of the bill and the Director shall adhere to those recommendations as closely as possible when adopting rules. Whenever required by other statute or rule, the Director shall conform to the rules of Montana State University.

First adopted by the Senate Agriculture, Livestock and Irrigation Committee on the 21st day of January, 1981.

Report adopted.

HIGHWAYS AND TRANSPORTATION (Etchart, Chairman):
SB 157, do pass. Report adopted.
SB 168, do pass. Report adopted.

SB 169, do pass. Report adopted.

TAXATION (Goodover, Chairman):
SB 41, be amended as follows:

1. Title: lines 6 and 7.
Following: "ORGANIZATIONS"
Strike: "ESTABLISHED PRIOR TO JULY 1, 1981"

2. Page 2, line 5.
Following: "that it"
Strike: "has been"
Insert: "is"

3. Page 2, line 6.
Following: "organization"
Strike: "continuously from July 1, 1981"
Insert: "as of the assessment date"

And, as so amended, do pass. Report adopted.

LABOR AND EMPLOYMENT RELATIONS (Nelson, Chairman):
HB 77, be concurred in. Report adopted.

HIGHWAYS AND TRANSPORTATION (Etchart, Chairman):
SB 70, do not pass.

Thereupon, the Adverse Committee Report was adopted by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Johnson, Keating, Manning, Mazurek, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Severson, Smith, Stephens, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 41

Noes: Graham, Hafferman, Healy, Lee, Manley, Ryan, Stimatz.
Total 7

Excused: McCallum.
Total 1

Absent or not voting: Kolstad.
Total 1

STATE ADMINISTRATION (Story, Chairman):
SB 114, do not pass.

Thereupon the Adverse Committee Report was adopted by the following vote:

Ayes: Aklestad, Berg, Blaylock, Boylan, B. Brown, Crippen, Dover, Elliott, Galt, Goodover, Hafferman, Haffey, Hager, Hammond, Hazelbaker, Himsl, Jacobson, Johnson, Kolstad, Lee, Manley, Manning, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 39

Noes: S. Brown, Eck, Halligan, Mazurek.
Total 4

Excused: McCallum.

Total 1

Absent or not voting: Anderson, Conover, Etchart, Graham, Healy, Keating.
Total 6

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following House bills were on 1/21/81, passed and transmitted to the Senate for concurrence:

House Bill No. 103, introduced by Manuel

House Bill No. 110, introduced by Pavlovich

House Bill No. 111, introduced by Lund

House Bill No. 123, introduced by Bertelsen

House Bill No. 124, introduced by Lory

House Bill No. 153, introduced by Williams

MOTIONS

Motion was made by Senator Goodover that the rules of the Forty-seventh Legislature be temporarily suspended in order to place House Bill No. 114 on Second Reading this Legislative Day. Motion carried by the following roll call vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: McCallum.
Total 1

Absent or not voting: None.
Total 0

Upon motion of Senator Himsl, duly carried, that Senate Bill No. 37 be referred to the Committee on Public Health, Welfare and Safety for the purpose of processing the Statement of Intent. The motion carried unanimously.

Motion was made by Senator Mazurek that Senate Bill No. 83 be taken from Third Reading and placed on Second Reading this Legislative Day, for the purpose of submitting an amendment. The motion carried unanimously.

Senator Story moved that the Senate reconsider its action taken on the adoption of an Adverse Committee report on Senate Bill 110 this Legislative Day and that it be printed and placed on Second Reading. Motion carried unanimously.

Upon motion of Senator Mazurek, duly carried, that consideration of Senate Bill No. 63 be passed for this day.

FIRST READING OF BILLS

The following Senate bills were introduced, read first time and referred to committees:

SB 230, introduced by Hager, Nilson. Referred to Committee on Public Health, Welfare and Safety.
SB 231, introduced by Elliott, (By Request of the Department of Revenue). Referred to Committee on Taxation.
SB 232, introduced by Stimatz, (By Request of the Public Employees' Retirement Board). Referred to Committee on State Administration.
SB 233, introduced by Hafferman, Graham, Manley, Keating, (By Request of the Department of Business Regulation). Referred to Committee on Business and Industry.
SB 234, introduced by Hafferman, S. Brown, Stimatz, Blaylock, Thomas, Berg, Regan, Mazurek, Jacobson. Referred to Committee on Finance and Claims.
SB 235, introduced by Galt, Graham, Goodover, Kolstad, Story, Hafferman. Referred to Committee on State Administration.
SB 236, introduced by Conover, Hager, Eck. Referred to Committee on Local Government.
SB 237, introduced by Blaylock, Regan. Referred to Committee on Education.
SB 238, introduced by Story. Referred to Committee on Judiciary.
SB 239, introduced by Hazelbaker. Referred to Committee on Business and Industry.
SB 240, introduced by Hazelbaker, (By Request of the Montana Department of Insurance). Referred to Committee on Judiciary.
SB 241, introduced by Hazelbaker, (By Request of the Department of Insurance). Referred to Committee on Public Health, Welfare and Safety.
SB 242, introduced by Ochsner, Tveit, Roth, Severson, Conover, C. Smith, Hammond, Zabrocki. Referred to Committee on Business and Industry.
SB 243, introduced by Graham, (By Request of the Department of Natural Resources and Conservation). Referred to Committee on Agriculture, Livestock and Irrigation.
SB 244, introduced by Graham, (By Request of the Department of State Lands). Referred to Committee on Natural Resources.

The following House bills were introduced, read first time and referred to committees:

HB 103, introduced by Manuel. Referred to Committee on Fish and Game.
HB 110, introduced by Pavlovich, Gould, Daily, Quilici, Harrington, Keyser, Kanduch, Menahan. Referred to Committee on Judiciary.
HB 111, introduced by Lund. Referred to Committee on Taxation.
HB 123, introduced by Bertelsen. Referred to Committee on Fish and Game.
HB 124, introduced by Lory, (By Request of the Workers' Compensation Advisory Council). Referred to Committee on Labor and Employment Relations.
HB 153, introduced by Williams, Keedy, Blaylock, Himsl, Turnage, Kemmis, Kitselman, McLane, Bengtson, Fabrega, Towe, Hager. Referred to Committee on Judiciary.

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Hager in the Chair.

Senate resumed. President Pro Tempore Kolstad in the Chair.

Senator Manley moved that SB 89 be placed at the top of the board. Motion carried.

Mr. President: We, your Committee of the Whole, having had under consideration business on Second Reading, recommend as follows:

That Senate Bill No. 89 do pass. Unanimously passed.

That Senate Bill No. 58 do pass. Opposed by Aklestad, Anderson, Conover, Crippen, Dover, Elliott, Etchart, Galt, Goodover, Hafferman, Hammond, Johnson, Kolstad, Lee, Nelson, Ochsner, O'Hara, Severson, Smith, Story, Tveit.

That Senate Bill No. 66 do pass. Unanimously passed.

That Senate Bill No. 67 do pass. Unanimously passed.

That Senate Bill No. 79 do pass. Unanimously passed.

That Senate Bill No. 87 do pass. Opposed by Berg, Blaylock, Eck, Haffey, Halligan, Healy, Jacobson, Mazurek, Norman, Regan, Severson, Stimatz, Towe, Van Valkenburg.

That Senate Bill No. 105 do pass. Opposed by Berg, Blaylock, S. Brown, Eck, Haffey, Hager, Halligan, Healy, Jacobson, Norman, Regan, Severson, Stimatz, Towe, Van Valkenburg.

That House Bill No. 32 be concurred in. Opposed by Ryan.

That House Bill No. 114 be concurred in. Unanimously concurred in.

That Senate Bill No. 83 be amended as follows:

1. Page 1, line 12.
Following: "he"
Insert: "purposely and"

And, as so amended, do pass. Unanimously passed.

That the Committee rise and report. (Hager, Chairman)

Upon motion of Senator Hager, duly carried, the foregoing Report of the Committee of the Whole was adopted.

At the request of Senator Stephens, and without objection, the Senate reverted to Order of Business No. 6.

MOTIONS

Motion was made by Senator Stephens, that the temporary rules of the Forty-seventh Legislature be temporary suspended so that House Bill No. 114 may be placed on Third Reading this Legislative Day. Motion carried by the following roll call vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manning, Mazurek, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 47

Noes: None.
Total 0

Excused: McCallum.
Total 1

Absent or not voting: Boylan, Manley.
Total 2

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

Senate Bill No. 94 was passed by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manning, Mazurek, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 47

Noes: None.
Total 0

Excused: McCallum.
Total 1

Absent or not voting: Boylan, Manley.
Total 2

House Bill No. 114 was passed by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manning, Mazurek, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 47

Noes: None.
Total 0

Excused: McCallum.
Total 1

Absent or not voting: Boylan, Manley.
Total 2

At the request of Senator B. Brown, and without objection, the Senate reverted to Order of Business No. 6.

MOTIONS

Motion was made by Senator B. Brown that Senate Bill No. 73 and Senate Bill No. 23 which were on tentative Second Reading for Friday, January 23, 1981, be postponed until Monday, January 26, 1981. Motion carried unanimously.

Upon motion of Senator Stephens, duly carried, the Senate adjourned at 5:56 p.m. until Friday, January 23, at the hour of 4:00 p.m.

ALLEN C. KOLSTAD
President Pro Tempore of the Senate

JOHN W. LARSON
Secretary of the Senate

SEVENTEENTH LEGISLATIVE DAY

Helena, Montana
January 23, 1981

Senate Chambers
Capitol Building

Senate convened at 4:00 p.m., President Turnage presiding. Invocation by the Chaplain. Pledge of Allegiance to the Flag.

Roll call. All members present except J. Johnson, Galt, McCallum, Keating, Manley, excused. Quorum present.

Mr. President: We, your Committee on Bills and Journal, having examined the daily journal for the Sixteenth Legislative Day, find the same to be correct.

O'HARA, Chairman

REPORTS OF STANDING COMMITTEES

The Senate will please take note that the President will sign the following bill at the hour of 4:03 p.m., 1/23/81:
SJR 1.

Jean A. Turnage
President

BILLS (O'Hara, Chairman):
Considered correctly engrossed - SB 58, SB 66, SB 67, SB 79, SB 87, SB 89, SB 105. Report adopted.
Correctly engrossed - SB 83. Report adopted.

PRINTING (O'Hara, Chairman):
Correctly printed and placed on the members' desks - SB 4, SB 41, SB 110, SB 157, SB 168, SB 169. Report adopted.

BILLS (O'Hara, Chairman):
Considered correctly enrolled - SJR 1. Report adopted.

I have examined Senate Joint Resolution No. 1 introduced by me and find the same to be correct. (Stephens)

AGRICULTURE, LIVESTOCK AND IRRIGATION (Galt, Chairman):
SB 136, do pass. Report adopted.

JUDICIARY (Anderson, Chairman):
SB 117, be amended as follows:

1. Title, lines 6 and 7.
Following: "GUIDANCE HOME"
Strike: "IF NO YOUTH GUIDANCE HOME HAS BEEN ESTABLISHED IN A DISTRICT"

2. Lines 18 and 19.
Following: "or"
Strike: "<u>, if a district youth guidance home has not been established,</u>"

And, as so amended, do pass. Report adopted.
SB 119, do pass. Report adopted.
SB 145, do pass. Report adopted.

LABOR AND EMPLOYMENT RELATIONS (Nelson, Chairman):
SB 52, introduced bill, be amended as follows:

1. Title, line 10.
Following: "AMENDING"
Strike: "SECTION"
Insert: "SECTIONS"
Following: "39-7-203"
Insert: "AND 39-7-208"

2. Title, line 11.
Following: "39-7-201"
Strike: "AND"
Insert: ","
Following: "THROUGH"
Strike: "39-7-209"
Insert: "39-7-207, AND 39-7-209"

3. Page 1.
Following: line 13
Insert: "Section 1. Employer defined. 'Employer' means any public or private employer."
Renumber: subsequent sections in the bill

4. Page 2.
Following: line 15
Insert: "Section 4. Section 39-7-208, MCA, is amended to read:
"39-7-208. Individual Action. Nothing in ~~this part~~ [Sections 1 and 2] shall preclude an individual from prosecuting a private action in the district court alleging violation of the provisions of [Sections 1 and 2] or any other law.""
Renumber: subsequent sections

5. Page 2, line 17.
Following: line 16
Strike: "and"
Insert: ","
Following: "39-7-204,"
Insert: "and 39-7-208,"

6. Page 2, line 20.
Following: "39-7-203"
Strike: "and"
Insert: ","
Following: "39-7-204"
Insert: ", and 39-7-208"

7. Page 2, line 21.
Following: "39-7-201"
Strike: "and"
Insert: ","

8. Page 2, line 22.
Following: "through"
Strike: "39-7-209"
Insert: "39-7-207, and 39-7-209"

And, as so amended, do not pass.

Senator Blaylock requested a ruling on whether a committee can wait more than 24 hours and then move to reconsider a bill. President Turnage referred the matter to the Rules Committee.

Senate stood at ease.

Senate resumed.

The Chair ruled that a bill in a committee may be reconsidered at any time as long as the bill remains in possession of that committee.

Senator Aklestad moved adoption of committee report.

Thereupon, the Adverse Committee Report was adopted by the following vote:

Ayes: Aklestad, Anderson, B. Brown, Crippen, Dover, Elliott, Etchart, Galt, Goodover, Hafferman, Hager, Hammond, Hazelbaker, Johnson, Keating, Kolstad, Lee, Manley, McCallum, Nelson, Ochsner, O'Hara, Olson, Severson, Smith, Stephens, Story, Tveit, Mr. President.
Total 29

Noes: Berg, Blaylock, Boylan, S. Brown, Conover, Eck, Graham, Haffey, Halligan, Healy, Himsl, Jacobson, Manning, Mazurek, Norman, Regan, Ryan, Stimatz, Thomas, Towe, Van Valkenburg.
Total 21

Excused: None.
Total 0

Absent or not voting: None.
Total 0

(Including the following pairs: McCallum, aye - Haffey, no; Keating, aye - Towe, no; Manley, aye - Berg, no; Johnson, aye - S. Brown, no; Galt, aye - Jacobson, no.)

MESSAGES FROM THE GOVERNOR

January 23, 1981

The Honorable Jean Turnage
President of the Senate
State Capitol
Helena, Montana 59620

Dear Mr. President:

I respectfully submit the following appointments to your honorable body:

As Adjutant General of Montana, to head the Department of Military Affairs, in accordance with Sections 2-15-1201 and 2-15-111:

Colonel James Duffy, Helena, Montana, appointed to serve at the pleasure of the Governor.

As Director of Agriculture, in accordance with 2-15-3001 and 2-15-111:

W. Gordon McOmber, Helena, Montana, reappointed to serve at the pleasure of the Governor.

As acting Director of Business Regulation, in accordance with Sections 2-15-1801 and 2-15-111:

Gary Buchanan, Helena, Montana, to serve at the pleasure of the Governor.

As acting Director of Community Affairs, in accordance with Sections 2-15-1101 and 2-15-111:

David Wanzenried, Helena, Montana, to serve at the pleasure of the Governor.

As Director of Fish, Wildlife and Parks, in accordance with Sections 2-15-3401 and 2-15-111:

James Flynn, Helena, Montana, to serve at the pleasure of the Governor.

As Director of Health and Environmental Sciences, in accordance with Sections 2-15-2101 and 2-15-111:

Dr. John J. Drynan, Helena, Montana, to serve at the pleasure of the Governor.

As Director of Highways, in accordance with Sections 2-15-2501 and 2-15-111:

Gary Wicks, Helena, Montana, appointed to serve at the pleasure of the Governor.

As Director of Institutions, in accordance with Sections 2-15-2301 and 2-15-111:

Carroll V. South, Helena, Montana, to serve at the pleasure of the Governor:

As Commissioner of Labor and Industry in accordance with Section 2-15-1701 and Article X11, Section 2 of the 1972 Montana Constitution:

David Hunter, Helena, Montana, to serve a term ending March 4, 1985.

As Commissioner of State Lands, in accordance with Sections 2-15-3202 and 2-15-111:

Gareth C. Moon, Helena, Montana, to serve at the pleasure of the Governor.

As Director of Natural Resources and Conservation, in accordance with Sections 2-15-3301 and 2-15-111:

Leo Barry, Helena, Montana, to serve at the pleasure of the Governor.

As Director of Professional and Occupational Licensing, in accordance with Sections 2-15-1601 and 2-15-111:

Ed Carney, Helena, Montana, reappointed to serve at the pleasure of the Governor.

As Director of Revenue, in accordance with Sections 2-15-1302 and 2-15-111:

Ellen J. Feaver, Helena, Montana, appointed to serve at the pleasure of the Governor.

As Director of Social and Rehabilitation Services, in accordance with Sections 2-15-2201 and 2-15-111:

John D. LaFaver, Helena, Montana, appointed to serve at the pleasure of the Governor.

As Director of Administration, in accordance with Sections 2-15-1001 and 2-15-111:

Morris L. Brusett, Helena, Montana, appointed to serve at the pleasure of the Governor.

As Administrator of the Workers' Compensation Division of the Department of Labor and Industry, in accordance with Sections 2-15-1702 and 2-15-111:

Laury Lewis, Helena, Montana, reappointed to serve at the pleasure of the Governor.

Sincerely,

TED SCHWINDEN
Governor

Referred to Committee on State Administration.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following House Bills were on 1/22/81, passed and transmitted to the Senate for concurrence:

House Bill No. 91, introduced by Asay

House Bill No. 147, introduced by Brand

House Bill No. 182, introduced by Devlin

House Bill No. 232, introduced by Smith

FIRST READING OF BILLS

The following Senate bills were introduced, read first time and referred to committees:

SB 245, introduced by Mazurek, (By Request of the Department of Health and Environmental Sciences). Referred to Committee on Judiciary.

SB 246, introduced by Story. Referred to Committee on Judiciary.

SB 247, introduced by Regan, Himsl. Referred to Committee on Business and Industry.

SB 248, introduced by Elliott. Referred to Committee on Taxation.

SB 249, introduced by Dover, Keating. Referred to Committee on Business and Industry.

SB 250, introduced by Towe, Regan, Norman, Haffey, Eck, Stimatz, Jacobson, Halligan, Blaylock, Berg. Referred to Committee on Business and Industry.

SB 251, introduced by Tveit, Ochsner, Lee, Kolstad, Smith, Stimatz, Boylan, Halligan, Donaldson, Williams, Iverson, Holliday, Jacobson, Manuel, Dover. Referred to Committee on Public Health, Welfare and Safety.

SB 252, introduced by Goodover, Fabrega, Nordtvedt. Referred to Committee on Taxation.

SB 253, introduced by Regan, Turnage, (By Request of the Department of Social and Rehabilitation Services). Referred to Committee on Judiciary.

SB 254, introduced by Dover, Hafferman, Roth, Briggs, C. Smith, Conroy, Graham, Olson. Referred to Committee on Agriculture, Livestock and Irrigation.

SB 255, introduced by Turnage, Hammond, Hazelbaker, Kolstad, Seifert, Andreason, Moore, Hemstad, Regan, Blaylock, Conroy, Anderson, Elliott, Smith, Nelson, J. O'Hara, Sales, Conn, Anderson, Keating, Nordtvedt, Curtiss, Stimatz, Goodover, S. Brown, Galt, Mazurek, Van Valkenburg, Olson, Berg, Johnson, Thomas, Aklestad, Graham, Etchart, Meyer, Stephens, B. Brown, Tveit, McCallum, Ochsner, Dover, Lee, Ryan, Jacobson, Smith, Boylan, Healy, Williams, Keyser, Bergene, Phillips, Hager, Manley, Crippen, Stobie, Schultz, Iverson, Eudaily, Matsko, Severson, Towe, Hafferman, Manning, Story, Robbins, Briggs, Hart, McLane, Menahan, Hannah, Winslow, Ryan,

Lory, Hanson, Switzer, Devlin, Wallin, Donaldson, Norman, Conover, Harp, Halligan, Haffey, Himsl, Burnett, Fagg, Spilker, Thoft, Fabrega, Kropp, O'Connell, Manuel, Lund, Kitselman, Mueller, Oberg, Ernst, Sivertsen, Vincent, Bengtson, Marks, Bennett, Zabrocki, (By Request of the Revenue Oversight Committee). Referred to Committee on Taxation.

SB 256, introduced by Hammond, Etchart. Referred to Committee on Local Government.

SB 257, introduced by S. Brown, Blaylock. Referred to Committee on State Administration.

SB 258, introduced by S. Brown, (By Request of the Office of the Governor). Referred to Committee on Natural Resources.

SB 259, introduced by S. Brown, (By Request of the Department of Natural Resources and Conservation). Referred to Committee on State Administration.

SB 260, introduced by Goodover. Referred to Committee on Taxation.

SB 261, introduced by Thomas, Hazelbaker. Referred to Committee on Business and Industry.

SB 262, introduced by Van Valkenburg, B. Brown. Referred to Committee on Education.

SB 263, introduced by Thomas, Turnage, Goodover. Referred to Committee on Business and Industry.

The following Senate Joint Resolution was introduced, read first time and referred to committee:

SJR 5, introduced by Hafferman, Hazelbaker, Elliott, Manley, Keating, Curtiss, Graham, Conover, Story, Johnson, Boylan, Dover, Hammond, Crippen, Stimatz, Haffey, Thomas, Etchart, Mueller, Williams. Referred to Committee on State Administration.

The following House bills were introduced, read first time and referred to committees:

HB 91, introduced by Asay, McLane, Feda, Stobie, Pistoria, Conroy, Bergene, Menahan, Ellison, Manning. Referred to Committee on Public Health, Welfare and Safety.

HB 147, introduced by Brand, (By Request of the Public Employees' Retirement Board). Referred to Committee on State Administration.

HB 182, introduced by Devlin, Ryan. Referred to Committee on Agriculture, Livestock and Irrigation.

HB 232, introduced by Smith, (By Request of the Department of Livestock). Referred to Committee on Agriculture, Livestock and Irrigation.

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Halligan in the Chair.

Senate resumed. President Turnage in the Chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on Second Reading, recommend as follows:

That Senate Bill No. 63 do pass. Unanimously passed.

That Senate Bill No. 34 do pass. Unanimously passed.

That Senate Bill No. 60 do pass. Opposed by Blaylock, Boylan, Goodover, Hager, Himsl, Olson, Regan, Severson, Turnage.

That Senate Bill No. 111 do pass. Unanimously passed.

That Senate Bill No. 113 do pass. Opposed by Aklestad, Boylan, Dover, Hager, Lee, Nelson, Norman, Olson, Severson, Tveit.

That Senate Bill No. 142 do pass. Opposed by Boylan, Dover, Elliott.

That Senate Joint Resolution No. 2 do pass. Opposed by Aklestad, Hammond, Lee, Nelson, Smith.

That the Committee rise and report. (Halligan, Chairman)

Upon motion of Senator Halligan, duly carried, the foregoing Report of the Committee of the Whole was adopted.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

Senate Bill No. 2 was passed by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Kolstad, Lee, Manning, Mazurek, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 45

Noes: None.
Total 0

Excused: Galt, Johnson, Keating, Manley, McCallum.
Total 5

Absent or not voting: None.
Total 0

The Senate will please take note that the President did, at the hour of 4:05 p.m., 1/23/81, sign the following bill:
SJR 1.

Jean A. Turnage
President

Upon motion of Senator Stephens, duly carried, the Senate adjourned at 5:14 p.m. until Saturday, January 24, 1981 at the hour of 9:00 a.m.

JEAN A. TURNAGE
President of the Senate

JOHN W. LARSON
Secretary of the Senate

EIGHTEENTH LEGISLATIVE DAY

Helena, Montana
January 24, 1981

Senate Chambers
Capitol Building

Senate convened at 9:00 a.m., President Pro Tempore Hazelbaker presiding. Invocation by the Chaplain. Pledge of Allegiance to the Flag.

Roll call. All members present except Crippen, Manley, McCallum, Turnage, excused. Quorum present.

Mr. President: We, your Committee on Bills and Journal, having examined the daily journal for the Seventeenth Legislative Day, find the same to be correct.

O'HARA, Chairman

REPORTS OF STANDING COMMITTEES

PRINTING (O'Hara, Chairman):
Correctly printed and placed on the members' desks - SB 119, SB 136, SB 145. Report adopted.

NATURAL RESOURCES (Dover, Chairman):
SB 141, introduced bill, be amended as follows:

1. Page 1, line 24.
Following: "research."
Insert: "Furthermore it is the purpose of this part to allow the department to make loans through financial institutions in Montana for commercialization of alternative renewable energy."

And, as so amended, do pass. Report adopted.

The Committee adopted the following Statement of Intent:

STATEMENT OF INTENT: Senate Bill 141

It is the intent of this bill to allow the Department of Natural Resources and Conservation to make loans through financial institutions in Montana for commercialization of alternative renewable energy. The grant of rulemaking authority includes the power to establish criteria to be used in determining when a grant or a loan should be granted under the limitations of the act.

First adopted by the Natural Resources Committee on the 23rd day of January, 1981.

Report adopted.

SB 95, do not pass.

Thereupon, the Adverse Committee Report was adopted by the following roll call vote:

Ayes: Aklestad, Anderson, Blaylock, B. Brown, S. Brown, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Haffey, Hager, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manning, Mazurek, Nelson, Norman, Ochsner, O'Hara, Olson, Severson, Smith, Stephens, Stimatz, Story, Thomas, Tveit.
Total 37

Noes: Berg, Boylan, Conover, Hafferman, Halligan, Regan, Ryan, Towe, Van Valkenburg.
Total 9

Excused: Crippen, Manley, McCallum, Turnage.
Total 4

Absent or not voting: None.
Total 0

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following House Bills were on 1/23/81, passed and transmitted to the Senate for concurrence:

House Bill No. 2, introduced by Marks

House Bill No. 94, introduced by Lund

MOTIONS

Senator Regan moved that the Senate reconsider its action taken on the adoption of an Adverse Committee Report on Senate Bill No. 52 this Legislative Day. Motion failed by the following vote:

Ayes: Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Dover, Haffey, Halligan, Healy, Himsl, Jacobson, Keating, Manning, Mazurek, Norman, Regan, Ryan, Smith, Stimatz, Thomas, Towe, Van Valkenburg.
Total 23

Noes: Aklestad, Anderson, Elliott, Etchart, Galt, Goodover, Hafferman, Hager, Hammond, Hazelbaker, Johnson, Kolstad, Lee, Manley, McCallum, Nelson, Ochsner, O'Hara, Olson, Severson, Stephens, Story, Tveit, Turnage.
Total 24

Excused: Crippen.
Total 1

Absent or not voting: Eck, Graham.
Total 2

(Including the following pairs: S. Brown, aye - Manley, no; Blaylock, aye - Turnage, no; Norman, aye - McCallum, no.)

FIRST READING OF BILLS

The following Senate bills were introduced, read first time and referred to committees:

SB 264, introduced by S. Brown. Referred to Committee on State Administration.
SB 265, introduced by Hager. Referred to Committee on Judiciary.
SB 266, introduced by Lee, Kolstad, Etchart, Aklestad, Smith, Hammond, Severson, Hafferman, J. O'Hara, Nordtvedt, Cozzens, O'Connell, Iverson. Referred to Committee on State Administration.
SB 267, introduced by Mazurek, (By Request of the Department of Social and Rehabilitation Services). Referred to Committee on Judiciary.
SB 268, introduced by Graham, Turnage. Referred to Committee on Judiciary.
SB 269, introduced by Conover, Ochsner, Towe. Referred to Committee on Taxation.
SB 270, introduced by Ryan, (By Request of the Department of Institutions). Referred to Committee on State Administration.
SB 271, introduced by Ryan, (By Request of the Department of Institutions). Referred to Committee on State Administration.

SB 272, introduced by Mazurek, Turnage, S. Brown, M. Anderson, (By Request of the Department of Revenue). Referred to Committee on Judiciary.

The following Senate Joint Resolution was introduced, read first time and referred to committee:

SJR 6, introduced by S. Brown. Referred to Committee on Legislative Administration.

The following House bills were introduced, read first time and referred to committees:

HB 2, introduced by Marks, (By Request of the Legislative Improvement Committee). Referred to Committee on Legislative Administration.
HB 94, introduced by Lund. Referred to Committee on Finance and Claims.

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Goodover in the Chair.

Senate resumed. President Pro Tempore Hazelbaker in the Chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on Second Reading, recommend as follows:

That Senate Bill No. 86 be amended. Amendment failed by the following vote:

Ayes: Berg, Blaylock, B. Brown, S. Brown, Conover, Dover, Eck, Elliott, Haffey, Hager, Halligan, Healy, Himsl, Jacobson, Mazurek, Norman, Regan, Ryan, Stimatz, Towe, Van Valkenburg.
Total 21

Noes: Aklestad, Anderson, Boylan, Etchart, Galt, Goodover, Graham, Hammond, Hazelbaker, Johnson, Keating, Kolstad, Lee, Manning, Nelson, Ochsner, O'Hara, Olson, Severson, Smith, Stephens, Story, Thomas, Tveit.
Total 24

Excused: Crippen, Manley, McCallum, Turnage.
Total 4

Absent or not voting: Hafferman.
Total 1

That Senate Bill No. 86 do pass by the following vote:

Ayes: Aklestad, Anderson, Boylan, B. Brown, Dover, Elliott, Galt, Goodover, Graham, Hafferman, Hammond, Hazelbaker, Johnson, Keating, Lee, Nelson, Ochsner, O'Hara, Olson, Smith, Stephens, Story, Thomas, Tveit.
Total 24

Noes: Berg, Blaylock, S. Brown, Conover, Eck, Etchart, Haffey, Hager, Halligan, Healy, Himsl, Jacobson, Kolstad, Manning, Mazurek, Norman, Regan, Ryan, Severson, Stimatz, Towe, Van Valkenburg.
Total 22

Excused: Crippen, Manley, McCallum, Turnage.
Total 4

Absent or not voting: None.

Total 0

That Senate Bill No. 157 do pass by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manning, Mazurek, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg.
Total 46

Noes: None.
Total 0

Excused: Crippen, Manley, McCallum, Turnage.
Total 4

Absent or not voting: None.
Total 0

That Senate Bill No. 168 do pass by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manning, Mazurek, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg.
Total 46

Noes: None.
Total 0

Excused: Crippen, Manley, McCallum, Turnage.
Total 4

Absent or not voting: None.
Total 0

That Senate Bill No. 169 be passed for the day. Unanimously passed.

That House Bill No. 77 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manning, Mazurek, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg.
Total 46

Noes: None.
Total 0

Excused: Crippen, Manley, McCallum, Turnage.
Total 4

Absent or not voting: None.
Total 0

That Senate Bill No. 86 be segregated from the Committee of the Whole Report, do pass by the following vote:

Ayes: Aklestad, Anderson, Boylan, B. Brown, S. Brown, Conover, Dover, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager,

Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manning, Mazurek, Nelson, Norman, Ochsner, O'Hara, Olson, Severson, Smith, Stephens, Stimatz, Story, Thomas, Tveit, Van Valkenburg.
Total 40

Noes: Berg, Blaylock, Eck, Regan, Ryan, Towe.
Total 6

Excused: Crippen, Manley, McCallum, Turnage.
Total 4

Absent or not voting: None.
Total 0

That the Committee rise and report. (Goodover, Chairman)

Upon motion of Senator Goodover, duly carried, the foregoing Report of the Committee of the Whole was adopted.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

Senate Bill No. 58 was passed by the following vote:

Ayes: Berg, Blaylock, B. Brown, S. Brown, Conover, Dover, Eck, Goodover, Graham, Hafferman, Haffey, Halligan, Healy, Himsl, Jacobson, Johnson, Manning, Mazurek, McCallum, Norman, Olson, Regan, Ryan, Stephens, Stimatz, Thomas, Towe, Van Valkenburg, Turnage.
Total 29

Noes: Aklestad, Anderson, Boylan, Crippen, Elliott, Etchart, Galt, Hager, Hammond, Hazelbaker, Keating, Kolstad, Lee, Manley, Nelson, Ochsner, O'Hara, Severson, Smith, Story, Tveit.
Total 21

Excused: None.
Total 0

Absent or not voting: None.
Total 0

(Including the following pairs: Eck, aye - Manley, no; Turnage, aye - Smith, no; McCallum, aye - Galt, no; B. Brown, aye - Crippen, no.)

Senate Bill No. 66 was passed by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manning, Mazurek, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg.
Total 45

Noes: None.
Total 0

Excused: Crippen, Manley, McCallum, Turnage.
Total 4

Absent or not voting: Hazelbaker.
Total 1

Senate Bill No. 67 was passed by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manning, Mazurek, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg.
Total 46

Noes: None.
Total 0

Excused: Crippen, Manley, McCallum, Turnage.
Total 4

Absent or not voting: None.
Total 0

Senate Bill No. 79 was passed by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manning, Mazurek, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg.
Total 46

Noes: None.
Total 0

Excused: Crippen, Manley, McCallum, Turnage.
Total 4

Absent or not voting: None.
Total 0

Senate Bill No. 83 was passed by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manning, Mazurek, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg.
Total 46

Noes: None.
Total 0

Excused: Crippen, Manley, McCallum, Turnage.
Total 4

Absent or not voting: None.
Total 0

Senate Bill No. 87 was passed by the following vote:

Ayes: Aklestad, Anderson, B. Brown, S. Brown, Conover, Dover, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Hager, Hammond, Hazelbaker, Himsl, Johnson, Keating, Kolstad, Lee, Manley, Manning, Nelson, Norman, Ochsner, O'Hara, Olson, Ryan, Smith, Stephens, Story, Thomas, Tveit.

Total 33

Noes: Berg, Blaylock, Boylan, Eck, Haffey, Halligan, Healy, Jacobson, Mazurek, Regan, Severson, Stimatz, Towe, Van Valkenburg.
Total 14

Excused: Crippen, McCallum, Turnage.
Total 3

Absent or not voting: None.
Total 0

(Including the following pair: Manley, aye - Towe, no.)

Senate Bill No. 89 was passed by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manning, Mazurek, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg.
Total 46

Noes: None.
Total 0

Excused: Crippen, Manley, McCallum, Turnage.
Total 4

Absent or not voting: None.
Total 0

Senate Bill No. 105 was passed by the following vote:

Ayes: Aklestad, Anderson, Boylan, B. Brown, Dover, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Hammond, Hazelbaker, Himsl, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Ochsner, O'Hara, Olson, Ryan, Smith, Stephens, Story, Thomas, Tveit, Turnage.
Total 33

Noes: Berg, Blaylock, S. Brown, Conover, Eck, Haffey, Hager, Halligan, Healy, Jacobson, Norman, Regan, Severson, Stimatz, Towe, Van Valkenburg.
Total 16

Excused: Crippen.
Total 1

Absent or not voting: None.
Total 0

(Including the following pairs: McCallum, aye - Norman, no; Turnage, aye - Blaylock, no; Manley, aye - Towe, no.)

House Bill No. 32 was passed by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Manning, Mazurek, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg.

Total 44

Noes: Lee, Ryan.
Total 2

Excused: Crippen, Manley, McCallum, Turnage.
Total 4

Absent or not voting: None.
Total 0

At the request of the President Pro Tempore and without objection, the Senate reverted to Order of Business No. 2.

REPORTS OF STANDING COMMITTEES

BILLS (O'Hara, Chairman):
Considered correctly engrossed - SB 34, SB 60, SB 63, SB 111, SB 113, SB 142, SJR 2. Report adopted.

Upon motion of Senator Stephens, duly carried, the Senate adjourned at 10:25 a.m. until Monday, January 26, at the hour of 3:30 p.m.

FRANK W. HAZELBAKER
President Pro Tempore of the Senate

JOHN W. LARSON
Secretary of the Senate

NINETEENTH LEGISLATIVE DAY

Helena, Montana
January 26, 1981

Senate Chambers
Capitol Building

Senate convened at 3:30 p.m., President Turnage presiding. Invocation by the Chaplain. Pledge of Allegiance to the Flag.

Roll call. All members present except McCallum, Manning, excused. Quorum present.

Mr. President: We, your Committee on Bills and Journal, having examined the daily journal for the Eighteenth Legislative Day, find the same to be correct.

O'HARA, Chairman

REPORTS OF STANDING COMMITTEES

BILLS (O'Hara, Chairman):
Considered correctly engrossed - SB 157, SB 168. Report adopted.

PRINTING (O'Hara, Chairman):
Correctly printed and placed on the members' desks - SB 117, SB 141. Report adopted.

LEGISLATIVE ADMINISTRATION (Kolstad, Chairman):
Respectfully reports and recommends the following:

That the following attaches of the Senate be terminated as of 5:00 p.m., Saturday, January 24, 1981:

Andrea Anderson.....Page
Shawna Jordan.....Page

And further, that the following attaches of the Senate be employed as of 8:00 a.m., Monday, January 26, 1981:

Stephen McClain.....Page
Karren Kemmer.....Page
Mary Jo Burkhartsmeyer.....Page
Jeri L. Scott.....Page

Do pass. Report adopted.

COMMITTEES (Galt, Chairman):
Does hereby appoint to the AUDIT COMMITTEE:

Frank W. Hazelbaker
Matt Himsl
Chet Blaylock
Steve Brown

And further, does hereby appoint to the LOCAL GOVERNMENT COMMITTEE the following member:

Senator H.W. Hammond to replace Senator Pete Story.

Do pass. Report adopted.

PUBLIC HEALTH, WELFARE AND SAFETY (Hager, Chairman):
SB 37, do pass. Report adopted.

The Committee adopted the following Statement of Intent.

STATEMENT OF INTENT: Senate Bill No. 37

A statement of intent is required for this bill because it creates rulemaking authority for the Department of Health and Environmental

Sciences to administer a Montana Central Tumor Registry. Rulemaking is primarily necessary to implement Section 3, which requires a hospital to report to the Department medical and personal information relevant to the treatment of any person having a tumor listed as reportable by the Department and given hospital medical services relating to that tumor. Rules would list precisely which tumors would be reportable and specify the information on each tumor patient to be reported. Those tumors most likely to be included are malignant neoplasms; carcinoid tumors, whether malignant, benign, or NOS ("not otherwise specified"); and benign tumors of the brain; but others may be added if their reporting becomes significant either statistically or as an aid to patient treatment, or they are requested to be added by physicians or hospitals.

As for the information to be reported, the rules will ask for:

(1) Medical and personal information on patients with tumors which assists the registry to develop statistics helpful to future health planning and medical treatment such as those showing survival rates for different types of cases and treatments, rates of certain cancers in areas of Montana or particular occupations, etc. (e.g. diagnosis made; medication and/or therapy given; occupation, sex and age of patient).

(2) Sufficient information to allow the registry to track and facilitate follow-up treatment of tumor cases (e.g. name; address; physician; hospital; and any subsequent treatment by hospital, whether or not tumor-related; social security number).

First adopted by the Senate Public Health, Welfare and Safety Committee on the 26th day of January, 1981.

Report adopted.

SB 127, introduced bill, be amended as follows:

1. Page 2, line 10.
Following: the first "the"
Strike: "person"
Insert: "licensed practitioner"

2. Page 2, line 15.
Following: "An"
Strike: "uncertified"
Insert: "unlicensed"

And, as so amended, do pass. Report adopted.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following House Joint Resolutions and House Bills were on 1/24/81, passed and transmitted to the Senate for concurrence:

House Bill No. 54, introduced by Hurwitz

House Bill No. 59, introduced by Fabrega

House Bill No. 76, introduced by Harper

House Bill No. 102, introduced by Manuel

House Bill No. 112, introduced by Lund

House Bill No. 140, introduced by Eudaily

House Bill No. 141, introduced by Thoft

House Bill No. 154, introduced by Brand

House Bill No. 162, introduced by Gould

House Bill No. 199, introduced by Lory

House Joint Resolution No. 7, introduced by Nordtvedt

House Joint Resolution No. 8, introduced by Dussault

FIRST READING OF BILLS

The following Senate bills were introduced, read first time and referred to committees:

SB 273, introduced by Hazelbaker, Turnage, Story. Referred to Committee on State Administration.
SB 274, introduced by Eck, Hazelbaker, (By Request of the Department of Administration). Referred to Committee on State Administration.
SB 275, introduced by Ryan. Referred to Committee on Business and Industry.
SB 276, introduced by Galt, Hafferman, Story, Hammond, Aklestad. Referred to Committee on State Administration.
SB 277, introduced by Van Valkenburg, (By Request of the Department of Institutions). Referred to Committee on Judiciary.
SB 278, introduced by Graham. Referred to Committee on Natural Resources.
SB 279, introduced by Goodover, Fabrega, Kolstad, Lee, Meyer, Keating, Matsko, Hazelbaker, Ryan, Johnson, Norman. Referred to Committee on Taxation.
SB 280, introduced by Van Valkenburg. Referred to Committee on Taxation.
SB 281, introduced by Van Valkenburg, B. Brown. Referred to Committee on Education.
SB 282, introduced by Dover, Hafferman, Johnson. Referred to Committee on State Administration.
SB 283, introduced by Elliott. Referred to Committee on Taxation.
SB 284, introduced by Stimatz, (By Request of the Department of Community Affairs). Referred to Committee on Taxation.
SB 285, introduced by Story. Referred to Committee on Agriculture, Livestock and Irrigation.
SB 286, introduced by Van Valkenburg, (By Request of the Department of Institutions). Referred to Committee on Judiciary.
SB 287, introduced by Manley, Conroy, Graham, Galt. Referred to Committee on Judiciary.

The following House bills were introduced, read first time and referred to committees:

HB 54, introduced by Hurwitz, (By Request of the Study Committee on Annexation Laws). Referred to Committee on Local Government.
HB 59, introduced by Fabrega, (By Request of the Study Committee on Annexation Laws). Referred to Committee on Local Government.
HB 76, introduced by Harper, (By Request of the Department of Labor and Industry). Referred to Committee on Labor and Employment Relations.
HB 102, introduced by Manuel, (By Request of the Department of Fish, Wildlife, and Parks). Referred to Committee on State Administration.
HB 112, introduced by Lund. Referred to Committee on Taxation.
HB 140, introduced by Eudaily, (By Request of the Secretary of State and the Attorney General). Referred to Committee on Local Government.
HB 141, introduced by Thoft, Seifert, Robbins. Referred to Committee on Business and Industry.

HB 154, introduced by Brand, Marks, (By Request of the Department of State Lands). Referred to Committee on Judiciary.
HB 162, introduced by Gould, (By Request of the Department of Justice). Referred to Committee on Judiciary.
HB 199, introduced by Lory, (By Request of the Department of Administration). Referred to Committee on State Administration.

The following House Joint Resolutions were introduced, read first time and referred to committees:

HJR 7, introduced by Nordtvedt, Goodover, Fabrega, Dover, Cozzens, Sivertsen, Iverson, Feda, Keedy, Lee, Matsko. Referred to Committee on Taxation.
HJR 8, introduced by Dussault, Stephens, (By Request of the Legislative Improvement Committee). Referred to Committee on Legislative Administration.

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator S. Brown in the Chair.

Senate resumed. President Turnage in the Chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on Second Reading, recommend as follows:

That Senate Bill No. 73 be passed for the day. Unanimously passed.

That Senate Bill No. 23 be passed for the day. Unanimously passed.

That Senate Bill No. 86 be amended as follows:

1. Title, lines 8 through 10.
Following: "PETITION"
Strike: all underlined language

2. Page 1, lines 23 through 25 and page 2, lines 1 and 2.
Following: "state."
Strike: all underlined language through "included."

3. Page 2, lines 12 and 13.
Following: "petitions"
Strike: all underlined language

4. Page 2, lines 15 and 16.
Following: "petitions"
Strike: all underlined language

Amendment passed by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Keating, Kolstad, Lee, Manley, Mazurek, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 45

Noes: Halligan, Johnson, Stimatz.
Total 3

Excused: Manning, McCallum.
Total 2

Absent or not voting: None.
Total 0

That Senate Bill No. 86 do pass by the following vote:

Ayes: Aklestad, Anderson, B. Brown, Dover, Elliott, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Hammond, Hazelbaker, Healy, Himsl, Johnson, Keating, Kolstad, Lee, Manley, Mazurek, Nelson, Ochsner, O'Hara, Olson, Smith, Stephens, Story, Thomas, Tveit, Mr. President.
Total 31

Noes: Berg, Blaylock, Boylan, S. Brown, Conover, Crippen, Eck, Etchart, Halligan, Jacobson, Norman, Regan, Ryan, Severson, Stimatz, Towe, Van Valkenburg.
Total 17

Excused: Manning, McCallum.
Total 2

Absent or not voting: None.
Total 0

Senator Manning entered the Senate chambers at 3:46 p.m.

That Senate Bill No. 169 do pass by the following vote:

Ayes: Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Eck, Elliott, Etchart, Galt, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Manning, Mazurek, Norman, Ochsner, Regan, Severson, Stephens, Stimatz, Story, Thomas, Towe, Van Valkenburg.
Total 35

Noes: Aklestad, Crippen, Dover, Goodover, Kolstad, Lee, Nelson, O'Hara, Olson, Smith, Tveit.
Total 11

Excused: McCallum.
Total 1

Absent or not voting: Manley, Ryan, Mr. President.
Total 3

That Senate Bill No. 4 be amended as follows:

1. Title, page 1, line 8.
Strike: "PRIVATE"

2. Section 2, page 2, line 18.
Strike: "PRIVATE"

3. Section 11, page 9, line 12.
Strike: "PRIVATE"
Following: "LAND"
Insert: "exclusive of improvements thereon"

Amendment passed by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Lee, Manley, Mazurek, Nelson, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.

Total 44

Noes: Crippen, Kolstad, Manning, Norman, Ochsner.
Total 5

Excused: McCallum.
Total 1

Absent or not voting: None.
Total 0

That Senate Bill No. 4 as amended do pass.

Ayes: Anderson, Berg, Blaylock, Boylan, B. Brown, Conover, Dover, Eck, Elliott, Etchart, Galt, Hafferman, Hager, Halligan, Hammond, Hazelbaker, Johnson, Lee, Manning, Ochsner, O'Hara, Regan, Severson, Stephens, Story, Thomas, Towe, Van Valkenburg, Mr. President.
Total 29

Noes: Aklestad, S. Brown, Crippen, Graham, Haffey, Healy, Himsl, Jacobson, Keating, Kolstad, Manley, Mazurek, Nelson, Norman, Olson, Ryan, Smith, Stimatz, Tveit.
Total 19

Excused: McCallum.
Total 1

Absent or not voting: Goodover.
Total 1

That Senate Bill No. 41 be amended as follows:

1. Title, line 6.
Following: "ORGANIZATIONS"
Insert: "ESTABLISHED CONTINUOUSLY SINCE JANUARY 1, 1981"

2. Page 2, line 5.
Following: "~~has been~~"
Strike: "IS"
Insert: "has been"

3. Page 2, line 7.
Following: "~~1,1981~~"
Strike: "AS OF THE ASSESSMENT DATE"
Insert: "continuously from January 1, 1981"

Amendment passed by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: Towe.
Total: 1

Excused: McCallum.
Total 1

Absent or not voting: None.

Total 0

That Senate Bill No. 41 as amended do pass by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: McCallum.
Total 1

Absent or not voting: None.
Total 0

That Senate Bill No. 110 be passed for the day. Unanimously passed.

That Senate Bill No. 119 do pass by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: McCallum.
Total 1

Absent or not voting: None.
Total 0

That Senate Bill No. 136 do pass by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: McCallum.
Total 1

Absent or not voting: None
Total 0

That Senate Bill No. 145 do pass by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: McCallum.
Total 1

Absent or not voting: None.
Total 0

That the Committee rise and report. (S. Brown, Chairman)

Upon motion of Senator S. Brown, duly carried, the foregoing Report of the Committee of the Whole was adopted.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

Senate Bill No. 34 was passed by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: McCallum.
Total 1

Absent or not voting: Dover.
Total 1

Senate Bill No. 60 was passed by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, Nelson, Norman, Ochsner, O'Hara, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 47

Noes: Goodover, Olson.
Total 2

Excused: McCallum.

Total 1

Absent or not voting: None.
Total 0

Senate Bill No. 63 was passed by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: McCallum.
Total 1

Absent or not voting: None.
Total 0

Senate Bill No. 111 was passed by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: Boylan.
Total 1

Excused: McCallum.
Total 1

Absent or not voting: None.
Total 0

Senate Bill No. 113 was passed by the following vote:

Ayes: Anderson, Berg, Blaylock, B. Brown, S. Brown, Conover, Crippen, Eck, Elliott, Etchart, Galt, Graham, Hafferman, Haffey, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Keating, Kolstad, Lee, Manning, Mazurek, Ochsner, O'Hara, Regan, Ryan, Stephens, Stimatz, Story, Thomas, Towe, Van Valkenburg, Mr. President.
Total 36

Noes: Aklestad, Boylan, Dover, Goodover, Hager, Johnson, Manley, Nelson, Norman, Olson, Severson, Smith, Tveit.
Total 13

Excused: McCallum.
Total 1

Absent or not voting: None.
Total 0

Senate Bill No. 142 was passed by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, B. Brown, S. Brown, Conover, Crippen, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Manning, Mazurek, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 42

Noes: Boylan, Dover, Hager, Kolstad, Lee, Manley, Smith.
Total 7

Excused: McCallum.
Total 1

Absent or not voting: None.
Total 0

Senate Joint Resolution No. 2 was passed by the following vote:

Ayes: Anderson, Berg, Blaylock, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Keating, Kolstad, Manley, Manning, Mazurek, Norman, Ochsner, O'Hara, Olson, Regan, Severson, Stephens, Stimatz, Thomas, Towe, Van Valkenburg, Mr. President.
Total 40

Noes: Aklestad, Boylan, Lee, Nelson, Ryan, Smith, Story, Tveit.
Total 8

Excused: McCallum.
Total 1

Absent or not voting: Johnson.
Total 1

Upon motion of Senator Stephens, duly carried, the Senate adjourned at 5:15 p.m. until Tuesday, January 27, at the hour of 3:30 p.m.

JEAN A. TURNAGE
President of the Senate

JOHN W. LARSON
Secretary of the Senate

TWENTIETH LEGISLATIVE DAY

Helena, Montana
January 27, 1981

Senate Chambers
Capitol Building

Senate convened at 3:30, President Turnage presiding. Invocation by the Chaplain. Pledge of Allegiance to the Flag.

Roll call. All members present except Manley, excused. Quorum present.

Mr. President: We, your Committee on Bills and Journal, having examined the daily journal for the Nineteenth Legislative Day, find the same to be correct.

O'HARA, Chairman

REPORTS OF STANDING COMMITTEES

PRINTING (O'Hara, Chairman):
Correctly printed and placed on the members' desks - SB 37, SB 127. Report adopted.

BILLS (O'Hara, Chairman):
Correctly engrossed - SB 4, SB 41, SB 86, SB 119, SB 136, SB 145, SB 169. Report adopted.

HIGHWAYS AND TRANSPORTATION (Etchart, Chairman):
SB 185, do pass. Report adopted.
SB 186, do pass. Report adopted.

LABOR AND EMPLOYMENT RELATIONS (Nelson, Chairman):
SB 128, do pass. Report adopted.
SB 132, do pass. Report adopted.

TAXATION (Goodover, Chairman):
SB 11, do pass. Report adopted.
HJR 5, be concurred in. Report adopted.

MESSAGES FROM THE GOVERNOR

January 27, 1981

Jean A. Turnage
President of the Senate:

Re: Renewable Resources Development

Dear Mr. President:

Section 90-2-111(3), MCA, requires as follows:

> "The governor shall submit those grant proposals having his approval to the legislature by the 20th day of any legislative session. Those grant proposals approved by the legislature shall be administered by the department (of Natural Resources and Conservation)."

Pursuant to Section 90-2-111(3), MCA, I hereby submit to the legislature my recommendations for the Renewable Resource Development program as prepared by the Department of Natural Resources and Conservation as attached hereto.

Sincerely,

TED SCHWINDEN
Governor

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following House Bills were on 1/26/81, passed and transmitted to the Senate for concurrence:

House Bill No. 10, introduced by Keedy

House Bill No. 23, introduced by Donaldson

House Bill No. 118, introduced by Anderson

House Bill No. 176, introduced by Yardley

House Bill No. 207, introduced by Keedy

House Bill No. 308, introduced by Yardley

House Bill No. 167, introduced by Metcalf

FIRST READING OF BILLS

The following Senate bills were introduced, read first time and referred to committees:

SB 288, introduced by S. Brown. Referred to Committee on Judiciary.
SB 289, introduced by Lee. Referred to Committee on Judiciary.
SB 290, introduced by Hager. Referred to Committee on Judiciary.
SB 291, introduced by Hager. Referred to Committee on Taxation.
SB 292, introduced by Hager. Referred to Committee on Taxation.
SB 293, introduced by Hafferman, Galt. Referred to Committee on Highways and Transportation.
SB 294, introduced by Hammond, Story, Johnson, Hafferman. Referred to Committee on State Administration.
SB 295, introduced by Towe, Stimatz, Healy, Haffey, Elliott, Berg, Ryan, Halligan, Hafferman, Mazurek, Jacobson, Conover. Referred to Committee on Business and Industry.
SB 296, introduced by Tveit, (By Request of the Department of Highways). Referred to Committee on Highways and Transportation.
SB 297, introduced by Turnage. Referred to Committee on Agriculture, Livestock and Irrigation.
SB 298, introduced by Hazelbaker, Turnage, Blaylock. Referred to Committee on State Administration.

The following Senate Joint Resolution was introduced, read first time and referred to committee:

SJR 7, introduced by Lee, Kolstad, J O'Hara, Johnson, Hafferman, Hammond, Nordtvedt, Cozzens, Iverson. Referred to Committee on State Administration.

The following House bills were introduced, read first time and referred to committees:

HB 10, introduced by Keedy, Nilson, Stobie, Nordtvedt, Moore, Anderson, Smith, Pistoria, Spilker, Menahan, Briggs, Seifert, Kropp, Bennett, Phillips, Ellison, Kitselman, Cozzens, O'Hara, Schultz, Asay, Shontz, Roth, Conn, Thoft, Donaldson, Iverson, Manuel, Hemstad, Kanduch, Matsko, Vinger, Robbins, Gould, Jensen, Roush, Brown, McLane, Daily, Harp, Sivertsen, Ellerd, Burnett, Pavlovich, Curtiss, Manning, Keyser, Conroy, Sales, Underdal, O'Connell, Zabrocki, Williams, Teague, Feda, Eudaily, (By request of the Interim Committee

on Corrections Policy and Facility Needs with no Recommendation). Referred to Committee on Judiciary.

HB 23, introduced by Donaldson, (By Request of the Legislative Finance Committee). Referred to Committee on Finance and Claims.

HB 118, introduced by Anderson, Thoft, Pavlovich, Dozier, (By Request of the Department of Labor and Industry). Referred to Committee on Labor and Employment Relations.

HB 167, introduced by Metcalf. Referred to Committee on Public Health, Welfare and Safety.

HB 176, introduced by Yardley. Referred to Committee on Taxation.

HB 207, introduced by Keedy. Referred to Committee on Judiciary.

HB 308, introduced by Yardley, Bengtson. Referred to Committee on Taxation.

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Elliott in the Chair.

Senate resumed. President Turnage in the Chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on Second Reading, recommend as follows:

That Senate Bill No. 73 do pass by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Manley.
Total 1

Absent or not voting: None.
Total 0

That Senate Bill No. 23 do pass by the following vote:

Ayes: Aklestad, B. Brown, Dover, Elliott, Galt, Hafferman, Haffey, Himsl, Johnson, Kolstad, Lee, McCallum, Nelson, Norman, Olson, Severson, Story, Van Valkenburg, Mr. President.
Total 19

Noes: Anderson, Berg, Blaylock, Boylan, S. Brown, Conover, Crippen, Eck, Etchart, Goodover, Graham, Hager, Halligan, Hammond, Hazelbaker, Healy, Jacobson, Keating, Manning, Mazurek, Ochsner, O'Hara, Regan, Ryan, Smith, Stephens, Stimatz, Thomas, Towe, Tveit.
Total 30

Excused: Manley.
Total 1

Absent or not voting: None.
Total 0

That Senate Bill No. 23 be indefinitely postponed by the following vote:

Ayes: Anderson, Berg, Blaylock, Boylan, S. Brown, Conover, Crippen, Eck, Etchart, Goodover, Graham, Hager, Halligan, Hammond, Hazelbaker, Healy, Jacobson, Keating, Manning, Mazurek, Ochsner, O'Hara, Regan, Ryan, Smith, Stephens, Stimatz, Thomas, Towe, Tveit.
Total 30

Noes: Aklestad, B. Brown, Dover, Elliott, Galt, Hafferman, Haffey, Himsl, Johnson, Kolstad, Lee, McCallum, Nelson, Norman, Olson, Severson, Story, Van Valkenburg, Mr. President.
Total 19

Excused: Manley.
Total 1

Absent or not voting: None.
Total 0

That Senate Bill No. 110 be amended as follows:

1. Title, line 6.
Following: "FEE;"
Insert: "PROVIDING FOR EVIDENCE OF DECREE OF WATER RIGHT; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE;"

2. Page 1, line 19.
Following: "a"
Insert: "certified"

3. Page 1, line 20.
Following: "thereof"
Insert: "or verified as otherwise ordered by the court, unless the original decree is lost or unavailable in which case a copy shall be sufficient and admissible as evidence of the decree."

Section 2. Effective date. This act is effective on passage and approval.

That Senate Bill No. 110 amendments passed by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Manley.
Total 1

Absent or not voting: None.
Total 0

That Senate Bill No. 110, as amended, do pass by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manning, Mazurek, McCallum,

Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Manley.
Total 1

Absent or not voting: None.
Total 0

That Senate Bill No. 117 do pass by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Manley.
Total 1

Absent or not voting: None.
Total 0

That Senate Bill No. 141 do pass by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Manley.
Total 1

Absent or not voting: None.
Total 0

That the Committee rise and report. (Elliott, Chairman)

Upon motion of Senator Elliott, duly carried, the foregoing Report of the Committee of the Whole was adopted.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

Senate Bill No. 157 was passed by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Manley.
Total 1

Absent or not voting: Story.
Total 1

Senate Bill No. 168 was passed by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Eck, Elliott, Etchart, Galt, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Thomas, Towe, Tveit, Van Valkenburg.
Total 43

Noes: Dover, Goodover, Kolstad, Lee, Mr. President.
Total 5

Excused: Manley.
Total 1

Absent or not voting: Story.
Total 1

House Bill No. 77 was concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Manley.
Total 1

Absent or not voting: None.
Total 0

At the request of the President, and without objection, the Senate reverted to Order of Business No. 4.

MESSAGES FROM THE GOVERNOR

President Turnage assigned the letter from the Governor, dated January 27, 1981, concerning Renewable Resource Development to the Committee on Finance and Claims.

MOTIONS

Motion was made by Senator S. Brown that Senate Bill No. 264 be taken from the Committee on State Administration and rereferred to the Committee on Legislative Administration. The motion carried unanimously.

Upon motion of Senator Stephens, duly carried, the Senate adjourned at 4:36 p.m. until Wednesday, January 28, at the hour of 3:30 p.m.

JEAN A. TURNAGE
President of the Senate

JOHN W. LARSON
Secretary of the Senate

TWENTY-FIRST LEGISLATIVE DAY

Helena, Montana
January 28, 1981

Senate Chambers
Capitol Building

Senate convened at 3:30 p.m., President Turnage presiding. Invocation by the Chaplain. Pledge of Allegiance to the Flag.

Roll call. All members present except S. Brown, excused. Quorum present.

Mr. President: We, your Committee on Bills and Journal, having examined the daily journal for the Twentieth Legislative Day, find the same to be correct.

O'HARA, Chairman

REPORTS OF STANDING COMMITTEES

The Senate will please take note that the President did, at the hour of 4:00 p.m., 1/27/81, sign the following bill:
HB 32.

Jean A. Turnage
President

Report adopted.

BILLS (O'Hara, Chairman):
Correctly engrossed - SB 73, SB 110, SB 117, SB 141. Report adopted.

PRINTING (O'Hara, Chairman):
Correctly printed and placed on the members' desks - SB 11, SB 128, SB 132, SB 185, SB 186. Report adopted.

RULES (Stephens, Chairman):
Senate Rules be amended as follows:

Page 76, S7-4
Following: "Pairs in"
Insert: "standing committees and"
Following: "committee"
Insert: "of the whole"

And, as so amended, do pass. Report adopted.

BUSINESS AND INDUSTRY (Hazelbaker, Chairman):
SB 90, do pass. Report adopted.
SB 91, do pass. Report adopted.

The Committee adopted the following Statement of Intent:

STATEMENT OF INTENT: Senate Bill No. 91

A statement of intent was requested for this bill by the Senate Committee on Business and Industry.

It is the intent of the legislature that SB 91 not conflict with SB 90. The bills are not in apparent conflict but both amend section 90-6-111. Both bills are effective on passage and approval. It is the intent of the legislature that should both SB 90 and SB 91 be enacted into law, section 90-6-111 should read as follows:

"90-6-111. Bonds and notes. (1) The board may by resolution, from time to time, issue negotiable notes and bonds in a principal amount as the board determines necessary to provide sufficient funds for achieving

any of its purposes, including the payment of interest on notes and bonds of the board, establishment of reserves to secure the notes and bonds, including the reserve funds created under 90-6-119, and all other expenditures of the board incident to and necessary or convenient to carry out this part.

(2) The board may by resolution, from time to time, issue notes to renew notes and bonds to pay notes, including interest, and whenever it deems refunding expedient, refund any bonds by the issuance of new bonds, whether the bonds to be refunded have or have not matured, and issue bonds partly to refund bonds outstanding and partly for any of its other purposes.

(3) Except as otherwise expressly provided by resolution of the board, every issue of its notes and bonds shall be obligations of the board payable out of any revenues, assets, or moneys of the board, subject only to agreements with the holders of particular notes or bonds pledging particular revenues, assets, or moneys.

(4) The notes and bonds shall be authorized by resolutions of the board, shall bear a date and shall mature at times as the resolutions provide. A note shall not mature more than 10 years and a bond shall not mature more than 50 years from the date of its issue. The bonds may be issued as serial bonds payable in annual installments or as term bonds or as a combination thereof. The notes and bonds shall bear interest at a rate, or rates, be in denominations, be in a form, either coupon or registered, carry registration privileges, be executed in a manner, be payable in a medium of payment, at places within or without the state, and be subject to terms of redemption as provided in resolutions. The notes and bonds of the board may be sold at public or private sale at such prices, which may be above or below par, as are determined by the board.

(5) The total amount of notes and bonds outstanding at any one time, except notes or bonds as to which the board's obligation has been satisfied and discharged by refunding or for which reserve for payment or other means of payment have been otherwise provided, may not exceed $675 million. The rate of interest on bonds or notes issued by the board may not exceed *an interest rate equal to 1% less than the interest rate established from time to time by the U.S. department of housing and urban development (HUD), federal housing administration (FHA). The interest rate shall be determined for each issue of bonds or notes according to the HUD/FHA rate in effect 30 days prior to the sale of the bonds or notes.*"

First adopted by the Senate Business and Industry Committee on the 28th day of January, 1981.

Report adopted.

SB 106, do pass. Report adopted.
SB 143, do pass. Report adopted.

The Committee adopted the following Statement of Intent:

STATEMENT OF INTENT: Senate Bill No. 143

A statement of intent is required for this act as it grants the board of housing authority to adopt standards for determining and designating areas of chronic economic distress. It is the intent of the legislature that the board adopt rules consistent with Section 103A(g) of the Internal Revenue Code of 1954, as amended.

First adopted by the Senate Business and Industry Committee on the 28th day of January, 1981.

Report adopted.

STATE ADMINISTRATION (Story, Chairman):
SB 74, do pass. Report adopted.

BUSINESS AND INDUSTRY (Hazelbaker, Chairman):
SB 151, do pass. Report adopted.

STATE ADMINISTRATION (Story, Chairman):
SB 100, do pass. Report adopted.

LABOR AND EMPLOYMENT RELATIONS (Nelson, Chairman):
SB 191, do not pass.

Thereupon, the Adverse Committee Report was adopted by the following roll call vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, Conover, Crippen, Dover, Eck, Etchart, Galt, Goodover, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Stephens, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 43

Noes: Elliott, Graham, Lee, Manley, Smith, Stimatz.
Total 6

Excused: S. Brown.
Total 1

Absent or not voting: None.
Total 0

STATE ADMINISTRATION (Story, Chairman):
SB 99, do not pass.

Thereupon, the Adverse Committee Report was adopted by the following roll call vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: S. Brown.
Total 1

Absent or not voting: None.
Total 0

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following House Bills were on 1/27/81, passed and transmitted to the Senate for concurrence:

House Bill No. 100, introduced by Bardanouve

House Bill No. 107, introduced by Ryan

House Bill No. 135, introduced by Kessler

House Bill No. 203, introduced by Sivertsen

House Bill No. 209, introduced by Keedy

House Bill No. 212, introduced by Keedy

House Bill No. 213, introduced by Keedy

House Bill No. 214, introduced by Keedy

House Bill No. 231, introduced by Winslow

House Bill No. 233, introduced by Moore

MOTIONS

Motion was made by Senator Stephens that the rules of the Forty-seventh Legislature be temporarily suspended in order to request a bill to be introduced for the purpose of amending Section 5-1-103, MCA. Motion required a two-thirds vote, and was passed by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: S. Brown.
Total 1

Absent or not voting: None.
Total 0

Upon motion of Senator J. Johnson, duly carried, the following sponsors are to be added to Senate Bill No. 65: Galt, Hammond, Stephens, Kolstad, Hager, Boylan, Iverson, McCallum, Moore, Lee, J. O'Hara, Stobie, Harp, Manley, Graham, Stimatz, Healy, Haffey, Hafferman, Ryan, Kanduch, Pavlovich, Feda, Asay, Conroy.

Upon motion of Senator Story, duly carried, that Senate Bill No. 282 be taken from the Committee on State Administration and be rereferred to the Committee on Legislative Administration.

FIRST READING OF BILLS

The following Senate bills were introduced, read first time and referred to committees:

SB 299, introduced by Ryan, (By Request of the Department of Business Regulation). Referred to Committee on Business and Industry.

SB 300, introduced by Kolstad, Lee, Goodover, Graham, Hurwitz, Galt, Aklestad, Nelson, Sivertsen, Bertelsen, Iverson, Harp, Vinger. Referred to Committee on Finance and Claims.

SB 301, introduced by Dover, Andreason. Referred to Committee on Business and Industry.

SB 302, introduced by McCallum. Referred to Committee on Local Government.
SB 303, introduced by McCallum. Referred to Committee on Local Government.
SB 304, introduced by Hazelbaker, (By Request of the Department of Highways). Referred to Committee on Highways and Transportation.
SB 305, introduced by Senate Rules Committee, (By Request of the Legislative Improvement Committee). Referred to Committee on Judiciary.
SB 306, introduced by Himsl, S. Brown, (By Request of the Legislative Audit Committee). Referred to Committee on Judiciary.
SB 307, introduced by Himsl, S. Brown, (By Request of the Legislative Audit Committee). Referred to Committee on Business and Industry.
SB 308, introduced by Himsl, S. Brown, (By Request of the Legislative Audit Committee). Referred to Committee on Judiciary.
SB 309, introduced by S. Brown, Himsl, (By Request of the Legislative Audit Committee). Referred to Committee on Judiciary.
SB 310, introduced by S. Brown, Himsl, (By Request of the Legislative Audit Committee). Referred to Committee on Public Health.
SB 311, introduced by S. Brown, Himsl, (By Request of the Legislative Audit Committee). Referred to Committee on Judiciary.
SB 312, introduced by Himsl, S. Brown, (By Request of the Legislative Audit Committee). Referred to Committee on Judiciary.
SB 313, introduced by Aklestad, McCallum, Johnson, Hafferman, Galt, Manuel, Marks, Moore, Keating, Underdal. Referred to Committee on Labor and Employment Relations.

The following Senate Joint Resolution was introduced, read first time and referred to committee:

SJR 8, introduced by Keating, Turnage, Dover, Quilici, Elliott, Galt, Daily, Mazurek, Ryan, J. O'Hara, Moore, Thomas, Haffey. Referred to Committee on State Administration.

The following House bills were introduced, read first time and referred to committees:

HB 100, introduced by Bardanouve, (By Request of the Department of Natural Resources and Conservation). Referred to Committee on Agriculture, Livestock and Irrigation.
HB 107, introduced by Ryan. Referred to Committee on Agriculture, Livestock and Irrigation.
HB 135, introduced by Kessler, Teague, Menahan. Referred to Committee on State Administration.
HB 203, introduced by Sivertsen. Referred to Committee on Local Government.
HB 209, introduced by Keedy. Referred to Committee on Judiciary.
HB 212, introduced by Keedy. Referred to Committee on Judiciary.
HB 213, introduced by Keedy. Referred to Committee on Judiciary.
HB 214, introduced by Keedy. Referred to Committee on Judiciary.
HB 231, introduced by Winslow. Referred to Committee on State Administration.
HB 233, introduced by Moore, Phillips, Marks, Schultz, Roth, Briggs, Bardanouve, Stephens. Referred to Committee on State Administration.

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Berg in the Chair.

Senate resumed. President Turnage in the Chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on Second Reading, recommend as follows:

That Senate Bill No. 37 do pass by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: S. Brown.
Total 1

Absent or not voting: None.
Total 0

That Senate Bill No. 127 do pass by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: S. Brown.
Total 1

Absent or not voting: None.
Total 0

That the Committee rise and report. (Berg, Chairman)

Upon motion of Senator Berg, duly carried, the foregoing Report of the Committee of the Whole was adopted.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

Senate Bill No. 4 was passed by the following vote:

Ayes: Anderson, Berg, Blaylock, Boylan, B. Brown, Conover, Crippen, Dover, Eck, Etchart, Hafferman, Hager, Halligan, Hammond, Hazelbaker, Healy, Jacobson, Keating, Kolstad, Lee, Manning, Nelson, Ochsner, O'Hara, Olson, Regan, Ryan, Stimatz, Thomas, Towe, Mr. President.
Total 31

Noes: Aklestad, S. Brown, Elliott, Graham, Haffey, Himsl, Johnson, Manley, Mazurek, McCallum, Norman, Severson, Smith, Stephens, Tveit, Van Valkenburg.

Total 16

Excused: None.
Total 0

Absent or not voting: Galt, Goodover, Story.
Total 3

(Including the following pair: Blaylock, aye - S. Brown, no.)

Senate Bill No. 41 was passed by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: S. Brown.
Total 1

Absent or not voting: Story.
Total 1

Senate Bill No. 86, being a Constitutional Amendment requiring a two-thirds vote of the Legislature, was sent to the House with the following vote:

Ayes: Aklestad, Anderson, B. Brown, Dover, Elliott, Galt, Goodover, Graham, Hafferman, Hager, Hammond, Hazelbaker, Himsl, Johnson, Keating, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Ochsner, O'Hara, Olson, Smith, Stephens, Thomas, Tveit, Mr. President.
Total 29

Noes: Berg, Blaylock, Boylan, S. Brown, Conover, Crippen, Eck, Etchart, Haffey, Halligan, Healy, Jacobson, Kolstad, Norman, Regan, Ryan, Severson, Stimatz, Towe, Van Valkenburg.
Total 20

Excused: None.
Total 0

Absent or not voting: Story.
Total 1

(Including the following pair: Galt, aye - S. Brown, no.)

Senate Bill No. 119 was passed by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: S. Brown.
Total 1

Absent or not voting: Story.
Total 1

Senate Bill No. 136 was passed by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 47

Noes: None.
Total 0

Excused: S. Brown.
Total 1

Absent or not voting: Halligan, Story.
Total 2

Senate Bill No. 145 was passed by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: S. Brown.
Total 1

Absent or not voting: Halligan.
Total 1

Senate Bill No. 169 was passed by the following vote:

Ayes: Anderson, Berg, Blaylock, Boylan, B. Brown, Conover, Eck, Elliott, Etchart, Galt, Graham, Hafferman, Haffey, Halligan, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Manning, Mazurek, Nelson, Norman, Ochsner, O'Hara, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Van Valkenburg.
Total 36

Noes: Aklestad, Crippen, Dover, Goodover, Hager, Hammond, Kolstad, Lee, Manley, McCallum, Olson, Tveit, Mr. President.
Total 13

Excused: S. Brown.
Total 1

Absent or not voting: None.
Total 0

At the request of Senator Story, and without objection, the Senate reverted to Order of Business No. 6.

MOTIONS

Upon motion of Senator Story, duly carried, that Senate Bill No. 216 be taken from the Committee on State Administration and be rereferred to the Committee on Judiciary.

Upon motion of Senator Stephens, duly carried, the Senate adjourned at 4:11 p.m. until Thursday, January 29, at the hour of 3:30 p.m.

JEAN A. TURNAGE
President of the Senate

JOHN W. LARSON
Secretary of the Senate

TWENTY-SECOND LEGISLATIVE DAY

Helena, Montana
January 29, 1981

Senate Chambers
Capitol Building

Senate convened at 3:30 p.m., President Turnage presiding. Invocation by the Chaplain. Pledge of Allegiance to the Flag.

Roll call. All members present except Graham, Severson, Stephens, excused. Quorum present.

Mr. President: We, your Committee on Bills and Journal, having examined the daily journal for the Twenty-first Legislative Day, find the same to be correct.

O'HARA, Chairman

REPORTS OF STANDING COMMITTEES

BILLS (O'Hara, Chairman):
Correctly engrossed - SB 37, SB 127. Report adopted.

PRINTING (O'Hara, Chairman):
Correctly printed and placed on the members' desks - SB 74, SB 90, SB 91, SB 100, SB 106, SB 143, SB 151. Report adopted.

AGRICULTURE, LIVESTOCK AND IRRIGATION (Galt, Chairman):
SB 158, introduced bill, be amended as follows:

1. Page 1, line 7.
Following: "THE"
Insert: "PERMIT OR"

2. Page 2, lines 16 and 17.
Following: "provided in"
Strike: "subsection (4), in all cases,"
Insert: "subsection (6)"

3. Page 2, lines 19 and 20.
Following: "certificate."
Strike: lines 19 and 20 in their entirety
Insert: "(2) The department shall issue a permit if no significant danger to the public health will ensue upon importation of the animal into the state.

(3) The department may waive the requirement for a health certificate or a permit as provided in subsection (7)."
Renumber: subsequent subsections

4. Page 3, line 13.
Following: "certificate"
Insert: "or a permit"

And, as so amended, do pass. Report adopted.

The Committee adopted the following Statement of Intent:

STATEMENT OF INTENT: Senate Bill No. 158

A statement of intent is required for this bill because it delegates rulemaking authority to the Department of Livestock in Section 8.

It is the intent of this bill that the Department maintain its present rules, and update them when necessary, regarding the importation of animals, animal semen, and animal biologics. However, these rules should be

reviewed to ensure that they are in compliance with this bill and to eliminate any redundancy created by passage of this bill.

First adopted by the Senate Agriculture, Livestock and Irrigation Committee on the 28th day of January 1981.

Report adopted.

LOCAL GOVERNMENT (McCallum, Chairman):
SB 170, introduced bill, be amended as follows:

1. Page 1, line 10.
Following: "clerk"
Strike: "— fee"

2. Page 2.
Following: line 1
Insert: "(5) There is no filing fee."

And, as so amended, do pass. Report adopted.

SB 171, do pass. Report adopted.

STATE ADMINISTRATION (Story, Chairman):
SB 135, introduced bill, be amended as follows:

1. Page 1, line 25 through page 2, line 1.
Following: "~~service~~"
Strike: "that would have been made to the system had the member not taken leave"
Insert: "for his first full year's teaching salary earned in Montana after his return from leave for each year of credible service"

2. Page 2, line 6.
Following: "The"
Insert: "contribution rate shall be that rate in effect at the time he is eligible for such service. If the person is on leave 2 years or less, the"

3. Page 2, line 7.
Following: "contributions"
Strike: "may not be less than"
Insert: "must be"

And, as so amended, do pass. Report adopted.

SB 178, introduced bill, be amended as follows:

1. Title, line 5.
Following: "PROVIDE"
Strike: "AN"
Following: "ADDITIONAL"
Strike: "EXCEPTION"
Insert: "EXCEPTIONS"

2. Page 1, line 12.
Following: "(1)"
Strike: "A"
Insert: "Except as provided in subsections (2) and (3), a"

3. Page 2.
Following: line 6
Insert: "(3) Subsection (1) does not apply to licenses for the sale of beer, table wine, or both in the original package for off-premises consumption."

And, as so amended, do pass. Report adopted.

SB 187, do pass. Report adopted.

The Committee adopted the following Statement of Intent:

STATEMENT OF INTENT: Senate Bill No. 187

The statement of intent is to have the State Records Committee create by rule categories of records of minor importance for which agencies would be relieved of the burden of repetitively submitting disposal requests; for example:

(a) motor vehicle applications that are being microfilmed
(b) inactive teacher certification records that are being microfilmed
(c) interstate invoices in the state-wide budget and accounting system

First adopted by the Committee on State Administration on the 28th day of January, 1981.

Report adopted.

LABOR AND EMPLOYMENT RELATIONS (Nelson, Chairman):
HB 49, be concurred in. Report adopted.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following House Bills were on 1/28/81, passed and transmitted to the Senate for concurrence:

House Bill No. 7, introduced by Keyser

House Bill No. 16, introduced by Quilici

House Bill No. 95, introduced by Feda

House Bill No. 202, introduced by Sivertsen

House Bill No. 253, introduced by Kropp

House Bill No. 254, introduced by Kropp

House Bill No. 306, introduced by Bertelsen

House Bill No. 309, introduced by Hurwitz

MOTIONS

Upon motion of Senator Galt, duly carried, that Senate Bill No. 276 be taken from the Committee on State Administration and be rereferred to the Committee on Fish and Game.

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Hammond in the Chair.

Senate resumed. President Turnage in the Chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on Second Reading, recommend as follows:

That Senate Bill No. 11 do pass by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek,

McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Smith, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 47

Noes: None.
Total 0

Excused: Graham, Severson, Stephens.
Total 3

Absent or not voting: None.
Total 0

That Senate Bill No. 128 do pass by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Smith, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 47

Noes: None.
Total 0

Excused: Graham, Severson, Stephens.
Total 3

Absent or not voting: None.
Total 0

That Senate Bill No. 132 do pass by the following vote:

Ayes: Aklestad, Anderson, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Smith, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 46

Noes: Berg.
Total 1

Excused: Graham, Severson, Stephens.
Total 3

Absent or not voting: None.
Total 0

That Senate Bill No. 185 pass consideration. Unanimously passed.

That Senate Bill No. 186 pass consideration. Unanimously passed.

That House Joint Resolution No. 5 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Smith, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.

Total 46

Noes: Ryan.
Total 1

Excused: Graham, Severson, Stephens.
Total 3

Absent or not voting: None.
Total 0

That the Committee rise and report. (Hammond, Chairman)

Upon motion of Senator Hammond, duly carried, the foregoing Report of the Committee of the Whole was adopted.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

Senate Bill No. 73 was passed by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Smith, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 47

Noes: None.
Total 0

Excused: Graham, Severson, Stephens.
Total 3

Absent or not voting: None.
Total 0

Senate Bill No. 110 was passed by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Smith, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 47

Noes: None.
Total 0

Excused: Graham, Severson, Stephens.
Total 3

Absent or not voting: None.
Total 0

Senate Bill No. 117 was passed by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek,

McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Smith, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 47

Noes: None.
Total 0

Excused: Graham, Severson, Stephens.
Total 3

Absent or not voting: None.
Total 0

Senate Bill No. 141 was passed by the following vote:

Ayes: Anderson, Berg, Blaylock, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Kolstad, Lee, Manning, Mazurek, McCallum, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Smith, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 42

Noes: Aklestad, Boylan, Keating, Manley, Nelson.
Total 5

Excused: Graham, Severson, Stephens.
Total 3

Absent or not voting: None.
Total 0

At the request of the President, and without objection, the Senate reverted to Order of Business No. 7.

FIRST READING OF BILLS

The following Senate bills were introduced, read first time and referred to committees:

SB 314, introduced by M. Anderson, (By Request of the Insurance Department). Referred to Committee on Public Health, Welfare and Safety.

SB 315, introduced by Turnage. Referred to Committee on Judiciary.

SB 316, introduced by Towe, Turnage. Referred to Committee on Judiciary.

SB 317, introduced by Towe, Blaylock, Regan, Eck, Berg, Conover, Ryan, Halligan, Stimatz, Jacobson. Referred to Committee on Taxation.

SB 318, introduced by B. Brown. Referred to Committee on Labor and Employment Relations.

SB 319, introduced by Turnage, Mazurek, Crippen, M. Anderson, Keedy, Yardley, Kemmis, S. Brown, Himsl, Regan, E. Smith, (By Request of the Supreme Court). Referred to Committee on Judiciary.

SB 320, introduced by Halligan, Graham, Berg, Boylan. Referred to Committee on Fish and Game.

SB 321, introduced by Halligan, Gould, Mazurek, Waldron, Lory, Azzara. Referred to Committee on State Administration.

SB 322, introduced by Halligan, Norman, Hager, Berg, Van Valkenburg, Dussault, Kemmis, Azzara. Referred to Committee on Taxation.

SB 323, introduced by Ochsner, Conover, Zabrocki, Hemstad, Devlin, (By Request of the Department of Professional and Occupational Licensing). Referred to Committee on Judiciary.

SB 324, introduced by Johnson. Referred to Committee on Business and Industry.
SB 325, introduced by Stephens, Kolstad. Referred to Committee on Local Government.
SB 326, introduced by Senate Committee on Taxation. Referred to Committee on Taxation.

The following House bills were introduced, read first time and referred to committees:

HB 7, introduced by Keyser, Ernst, O'Hara, Conroy. Referred to Committee on Public Health, Welfare and Safety.
HB 16, introduced by Quilici, (By Request of the Study Committee on Energy Forecasting). Referred to Committee on Natural Resources.
HB 95, introduced by Feda, (By Request of the Department of Social and Rehabilitation Services). Referred to Committee on Public Health, Welfare and Safety.
HB 202, introduced by Sivertsen, (By Request of the Department of Administration). Referred to Committee on Local Government.
HB 253, introduced by Kropp, (By Request of the Department of Justice). Referred to Committee on Highways and Transportation.
HB 254, introduced by Kropp, (By Request of the Department of Justice). Referred to Committee on Judiciary.
HB 306, introduced by Bertelsen, (By Request of the Department of Natural Resources and Conservation). Referred to Committee on Natural Resources.
HB 309, introduced by Hurwitz, Roth, (By Request of the Department of Livestock). Referred to Committee on Business and Industry.

At the request of the President, and without objection, the Senate reverted to Order of Business No. 2.

REPORTS OF STANDING COMMITTEES

The Senate will please take note that the President did, at the hour of 4:10 p.m., 1/29/81, sign the following bill:
HB 77.

Jean A. Turnage
President

Upon motion of Senator Smith, duly carried, the Senate adjourned at 4:13 p.m. until Friday, January 30, at the hour of 3:00 p.m.

JEAN A. TURNAGE
President of the Senate

JOHN W. LARSON
Secretary of the Senate

TWENTY-THIRD LEGISLATIVE DAY

Helena, Montana
January 30, 1981

Senate Chambers
Capitol Building

Senate convened at 3:00 p.m., President Turnage presiding. Invocation by the Chaplain. Pledge of Allegiance to the Flag.

Roll call. All members present except Story, excused. Quorum present.

Mr. President: We, your Committee on Bills and Journal, having examined the daily journal for the Twenty-second Legislative Day, find the same to be correct.

O'HARA, Chairman

FIRST READING OF BILLS

The following Senate bills were introduced, read first time and referred to committees:

SB 327, introduced by Hafferman, Conover, Manley, Keating, Stephens, E. Smith, McCallum. Referred to Committee on Natural Resources.
SB 328, introduced by Thomas. Referred to Committee on Local Government.
SB 329, introduced by Van Valkenburg. Referred to Committee on Judiciary.
SB 330, introduced by Himsl, Regan, Towe, Hazelbaker, S. Brown, Jacobson, (By Request of the Department of Administration). Referred to Committee on Finance and Claims.
SB 331, introduced by M. Anderson, (By Request of the Insurance Department). Referred to Committee on Business and Industry.
SB 332, introduced by M. Anderson, (By Request of the Insurance Department). Referred to Committee on Public Health, Welfare and Safety.
SB 333, introduced by M. Anderson, (By Request of the Insurance Department). Referred to Committee on Business and Industry.
SB 334, introduced by M. Anderson, (By Request of the Insurance Department). Referred to Committee on Judiciary.
SB 335, introduced by Hazelbaker, (By Request of the Insurance Department). Referred to Committee on Judiciary.
SB 336, introduced by Ryan, Towe, Mazurek, (By Request of the Board of Pardons). Referred to Committee on Judiciary.
SB 337, introduced by Regan, Blaylock, Towe, Haffey, Mazurek, Halligan, Conover, Eck, Berg, Norman, Jacobson, Ryan, Hafferman, Stimatz, Healy, Thomas, (By Request of the Office of the Governor). Referred to Committee on Taxation.
SB 338, introduced by Keating. Referred to Committee on Business and Industry.
SB 339, introduced by Mazurek, Halligan, McBride, Johnson, Spilker. Referred to Committee on Taxation.
SB 340, introduced by Stephens, Turnage. Referred to Committee on Rules.
SB 341, introduced by Mazurek, Hammond, J. O'Hara, Sivertsen, Bardanouve, (By Request of the Attorney General). Referred to Committee on Judiciary.

The following Senate Joint Resolution was introduced, read first time and referred to committee:

SJR 9, introduced by Turnage. Referred to Committee on Judiciary.

At the request of the President, and without objection, the Senate reverted to Order of Business No. 6.

MOTIONS

Upon motion of Senator Stephens, duly carried, the Senate recessed in order for the Committee on Rules to consider Senate Bill No. 340.

Senate recessed at 3:06 p.m.

Senate resumed at 3:14 p.m.

At the request of the President, and without objection, the Senate reverted to Order of Business No. 2.

REPORTS OF STANDING COMMITTEES

RULES (Stephens, Chairman):
SB 340, do pass. Report adopted.

LOCAL GOVERNMENT (McCallum, Chairman):
SB 173, introduced bill, be amended as follows:

1. Page 1, line 15.
Following: "~~same~~."
Insert: ", and he shall be entitled to a fee as provided in 7-4-2631"

And, as so amended, do pass. Report adopted.

JUDICIARY (Anderson, Chairman):
SB 144, be amended as follows:

1. Page 1, line 12.
Following: "he"
Insert: "purposely and"

2. Page 1, line 15.
Following: "agency"
Insert: ","
Strike: "or its contractors or to any"
Following: "servant"
Insert: "or contractors"

3. Page 2, line 3.
Following: "who"
Insert: "purposely and"

4. Page 2, line 7.
Following: "of"
Insert: "not to exceed"

And, as so amended, do pass. Report adopted.

SB 149, introduced bill, be amended as follows:
1. Page 1, line 11.
Following: "who"
Insert: "purposely or"

And, as so amended, do pass. Report adopted.

BILLS (O'Hara, Chairman):
Correctly engrossed - SB 11, SB 128, SB 132. Report adopted.

PRINTING (O'Hara, Chairman):
Correctly printed and placed on the members' desks - SB 135, SB 170, SB 171, SB 178, SB 187. Report adopted.

MOTIONS

Senator Mazurek moved, duly carried, that Senate Bill No. 151 pass consideration.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

Senate Bill No. 37 was passed by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Mr. President.
Total 48

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: Manley, Van Valkenburg.
Total 2

Senate Bill No. 127 was passed by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Mr. President.
Total 49

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: Van Valkenburg.
Total 1

At the request of the President, and without objection, the Senate reverted to Order of Business No. 6.

MOTIONS

Motion was made by Senator Stephens that the rules of the Forty-seventh Legislature be temporarily suspended in order to place Senate Bill No. 340 on Second Reading this Legislative Day. Motion carried by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan,

Severson, Smith, Stephens, Stimatz, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Story.
Total 1

Absent or not voting: None.
Total 0

At the request of the President, and without objection, the Senate reverted to Order of Business No. 2.

REPORTS OF STANDING COMMITTEES

JUDICIARY (Anderson, Chairman):
SB 162, introduced bill, be amended as follows:

1. Page 1, line 18.
Strike: "is claimed to"
Insert: "may"

2. Page 1, lines 23 and 24.
Strike: "is claimed to"
Insert: "may"

3. Page 2, line 1.
Following: "action."
Insert: "Whenever more than one person is found to have contributed as a proximate cause to the injury complained of, the trier of fact shall proportion the degree of fault among such persons."

And, as so amended, do pass. Report adopted.

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Mazurek in the Chair.

Senate resumed. President Turnage in the Chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on Second Reading, recommend as follows:

That Senate Bill No. 185 do pass by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Story.
Total 1

Absent or not voting: None.

Total 0

That Senate Bill No. 186 do pass by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Story.
Total 1

Absent or not voting: None.
Total 0

That Senate Bill No. 74 do pass by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Story.
Total 1

Absent or not voting: None.
Total 0

Without objection, Senate Bill No. 91 was moved ahead of Senate Bill No. 90.

Senator Story entered the Senate Chambers at 3:34 p.m.

That Senate Bill No. 91 do pass by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: Galt, Keating.
Total 2

Excused: None.
Total 0

Absent or not voting: None.

Total 0

That Senate Bill No. 90 do pass by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: Keating.
Total 1

Excused: None.
Total 0

Absent or not voting: None.
Total 0

That Senate Bill No. 143 do pass by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

That Senate Bill No. 100 do pass by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

That Senate Bill No. 106 do pass by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

That Senate Bill No. 340 be amended as follows:

1. Title, line 8.
Following: "COMMISSION"
Insert: "AND PROVIDING AN IMMEDIATE EFFECTIVE DATE"

2. Page 1.
Following: line 21
Insert: "Section 2. Effective date. This act is effective on passage and approval."

Amendment passed by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

That Senate Bill No. 340, as amended, do pass by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.

Total 0

Absent or not voting: None.
Total 0

That the Committee rise and report. (Mazurek, Chairman)

Upon motion of Senator Mazurek, duly carried, the foregoing Report of the Committee of the Whole was adopted.

During Committee of the Whole, United States Representative Marlenee and U.S. Senator Melcher addressed the Senate.

At the request of Senator Stephens, and without objection, the Senate reverted to Order of Business No. 6.

MOTIONS

Motion was made by Senator Stephens that the rules of the Forty-seventh Legislature be temporarily suspended in order to place Senate Bill No. 340 on Third Reading this Legislative Day. Motion carried by the following vote:

Ayes: Aklestad, Anderson, Berg, Boylan, B. Brown, S. Brown, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 46

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: Blaylock, Conover, Manley, Ryan.
Total 4

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

Senate Bill No. 340 was passed by the following vote:

Ayes: Aklestad, Anderson, Berg, Boylan, B. Brown, S. Brown, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 47

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: Blaylock, Conover, Ryan.
Total 3

At the request of the President, and without objection, the Senate reverted to Order of Business No. 2.

REPORTS OF STANDING COMMITTEES

PRINTING (O'Hara, Chairman):
Correctly printed and placed on the members' desks - SB 158. Report adopted.

BUSINESS AND INDUSTRY (Hazelbaker, Chairman):
SB 211, introduced bill, be amended as follows:

1. Page 1, line 9.
Following: "policyholder."
Strike: "An"
Insert: "Notwithstanding any other provision of law, an"

2. Page 1, line 14.
Following: "requirements"
Strike: "unless otherwise authorized by law"

And, as so amended, do pass. Report adopted.

SB 179, introduced bill, be amended as follows:

1. Page 11, line 9.
Following: "corporation"
Insert: ", federal savings and loan insurance corporation, or national credit union administration"

2. Page 23, line 14.
Following: "building"
Strike: "or"
Insert: "and"

And, as so amended, do pass. Report adopted.

Upon motion of Senator Stephens, duly carried, the Senate adjourned at 4:33 p.m. until Saturday, January 31, at the hour of 9:00 a.m.

JEAN A. TURNAGE
President of the Senate

JOHN W. LARSON
Secretary of the Senate

TWENTY-FOURTH LEGISLATIVE DAY

Helena, Montana
January 31, 1981

Senate Chambers
Capitol Building

Senate convened at 9:00 a.m., President Turnage presiding. Invocation by the Chaplain. Pledge of Allegiance to the Flag.

Roll call. All members present except Story, Regan, excused. Quorum present.

Mr. President: We, your Committee on Bills and Journal, having examined the daily journal for the Twenty-third Legislative Day, find the same to be correct.

O'HARA, Chairman

REPORTS OF STANDING COMMITTEES

BILLS (O'Hara, Chairman):
Correctly engrossed - SB 74, SB 90, SB 91, SB 100, SB 106, SB 143, SB 185, SB 186. Report adopted.

EDUCATION (B. Brown, Chairman):
SB 262, do pass. Report adopted.
SB 281, do pass. Report adopted.
SB 197, do not pass.

Thereupon, the Adverse Committee Report was adopted by the following roll call vote:

Ayes: Aklestad, Anderson, Boylan, B. Brown, Crippen, Dover, Elliott, Etchart, Galt, Goodover, Graham, Hager, Hammond, Hazelbaker, Himsl, Johnson, Keating, Kolstad, Lee, Manley, McCallum, Nelson, Ochsner, Olson, Severson, Smith, Stephens, Tveit, Mr. President.
Total 29

Noes: Berg, Blaylock, S. Brown, Conover, Eck, Hafferman, Haffey, Halligan, Healy, Jacobson, Manning, Mazurek, Norman, O'Hara, Ryan, Stimatz, Thomas, Towe, Van Valkenburg.
Total 19

Excused: Regan, Story.
Total 2

Absent or not voting: None.
Total 0

JUDICIARY (Anderson, Chairman):
SB 201, do not pass.

Thereupon, the Adverse Committee Report was adopted by the following roll call vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Eck, Elliott, Etchart, Galt, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, Olson, Ryan, Severson, Smith, Stephens, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 42

Noes: Dover, Goodover, Hafferman, Lee, O'Hara, Stimatz.

Total 6

Excused: Regan, Story.
Total 2

Absent or not voting: None.
Total 0

SB 203, do not pass.

Thereupon, the Adverse Committee Report was adopted by the following roll call vote:

Ayes: Aklestad, Anderson, Berg, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Etchart, Galt, Graham, Hammond, Hazelbaker, Healy, Himsl, Johnson, Keating, Manley, Mazurek, McCallum, Nelson, Ochsner, O'Hara, Olson, Severson, Smith, Stephens, Thomas, Tveit.
Total 30

Noes: Blaylock, Eck, Elliott, Goodover, Hafferman, Haffey, Hager, Halligan, Jacobson, Kolstad, Lee, Norman, Ryan, Stimatz, Towe, Van Valkenburg, Mr. President.
Total 17

Excused: Regan, Story.
Total 2

Absent or not voting: Manning.
Total 1

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

Senate Bill No. 11 was passed by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Ryan, Severson, Smith, Stephens, Stimatz, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Regan, Story.
Total 2

Absent or not voting: None.
Total 0

Senate Bill No. 128 was passed by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Ryan, Severson, Smith, Stephens, Stimatz, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.

Total 48

Noes: None.
Total 0

Excused: Regan, Story.
Total 2

Absent or not voting: None.
Total 0

Senate Bill No. 132 was passed by the following vote:

Ayes: Aklestad, Anderson, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Ryan, Severson, Smith, Stephens, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 46

Noes: Berg, Stimatz.
Total 2

Excused: Regan, Story.
Total 2

Absent or not voting: None.
Total 0

House Joint Resolution No. 5 was concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Jacobson, Johnson, Keating, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Severson, Smith, Stephens, Stimatz, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 44

Noes: Himsl, Kolstad, Lee, Ryan.
Total 4

Excused: Regan, Story.
Total 2

Absent or not voting: None.
Total 0

At the request of the President, and without objection, the Senate reverted to Order of Business No. 5.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following House Bills were on 1/30/81, passed and transmitted to the Senate for concurrence:

House Bill No. 150, introduced by Lory

House Bill No. 174, introduced by Kessler

House Bill No. 197, introduced by Donaldson

House Bill No. 255, introduced by Kropp

House Bill No. 265, introduced by Ellison

The following House Joint Resolution was on 1/30/81, passed and transmitted to the Senate for concurrence:

House Joint Resolution No. 6, introduced by Dussault

FIRST READING OF BILLS

The following Senate bills were introduced, read first time and referred to committees:

SB 342, introduced by S. Brown, Himsl. Referred to Committee on Judiciary.
SB 343, introduced by Aklestad, Underdal, Iverson, Kolstad, Hammond, Roth. Referred to Committee on Local Government.
SB 344, introduced by Towe, Conover, Berg, Regan, Blaylock, Eck, Ryan, Halligan. Referred to Committee on Taxation.
SB 345, introduced by Halligan. Referred to Committee on Taxation.

The following House bills were introduced, read first time and referred to committees:

HB 150, introduced by Lory. Referred to Committee on Local Government.
HB 174, introduced by Kessler, Burnett, D. O'Hara, Keedy, Menahan, Bengtson. Referred to Committee on Education.
HB 197, introduced by Donaldson, (By Request of the Public Employees' Retirement Board). Referred to Committee on State Administration.
HB 255, introduced by Kropp, (By Request of the Department of Justice). Referred to Committee on Highways and Transportation.
HB 265, introduced by Ellison, Ryan. Referred to Committee on Agriculture, Livestock and Irrigation.

The following House Joint Resolution was introduced, read first time and referred to committee:

HJR 6, introduced by Dussault, Olson, Holliday, Bengtson, Burnett, (By Request of the Developmental Disabilities Planning and Advisory Council). Referred to Committee on Public Health, Welfare and Safety.

Senator Regan entered the Senate Chamber at 9:21 a.m.

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Crippen in the Chair.

Senate resumed. President Turnage in the Chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on Second Reading, recommend as follows:

That Senate Bill No. 151 do pass by the following vote:

Ayes: Aklestad, Berg, Blaylock, S. Brown, Conover, Crippen, Dover, Eck, Graham, Hafferman, Halligan, Hazelbaker, Himsl, Kolstad, Lee, Manning, Mazurek, Norman, Regan, Severson, Smith, Stephens, Thomas, Towe, Tveit, Van Valkenburg.
Total 26

Noes: Anderson, Boylan, B. Brown, Elliott, Etchart, Galt, Goodover, Haffey, Hager, Hammond, Healy, Jacobson, Johnson, Keating, Manley, McCallum, Nelson, Ochsner, O'Hara, Olson, Ryan, Stimatz, Mr. President.

Total 23

Excused: Story.
Total 1

Absent or not voting: None.
Total 0

That Senate Bill No. 135 pass consideration. Unanimously passed.

That Senate Bill No. 158 do pass by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Story.
Total 1

Absent or not voting: None.
Total 0

That Senate Bill No. 170 do pass by the following vote:

Ayes: Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Etchart, Galt, Haffey, Hager, Halligan, Hammond, Healy, Jacobson, Johnson, Keating, Kolstad, Lee, Manning, Mazurek, McCallum, Norman, Ochsner, O'Hara, Regan, Stephens, Thomas, Towe, Van Valkenburg, Mr. President.
Total 34

Noes: Aklestad, Elliott, Goodover, Graham, Hafferman, Hazelbaker, Himsl, Manley, Nelson, Olson, Ryan, Severson, Smith, Stimatz, Tveit.
Total 15

Excused: Story.
Total 1

Absent or not voting: None.
Total 0

That Senate Bill No. 171 do pass by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Story.

Total 1

Absent or not voting: None.
Total 0

That Senate Bill No. 178 do pass by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Severson, Smith, Stephens, Stimatz, Thomas, Towe, Van Valkenburg, Mr. President.
Total 44

Noes: Crippen, Dover, Mazurek, Ryan, Tveit.
Total 5

Excused: Story.
Total 1

Absent or not voting: None.
Total 0

That Senate Bill No. 187 do pass by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Story.
Total 1

Absent or not voting: None.
Total 0

That Amendment to Senate Rules do pass by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Story.
Total 1

Absent or not voting: None.
Total 0

That House Bill No. 49 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Story.
Total 1

Absent or not voting: None.
Total 0

That the Committee rise and report. (Crippen, Chairman)

Upon motion of Senator Crippen, duly carried, the foregoing Report of the Committee of the Whole was adopted.

At the request of the President, and without objection, the Senate reverted to Order of Business No. 2.

REPORTS OF STANDING COMMITTEES

PRINTING (O'Hara, Chairman):
Correctly printed and placed on the members' desks - SB 144, SB 149, SB 162, SB 173, SB 179, SB 211. Report adopted.

Upon motion of Senator Stephens, duly carried, the Senate adjourned at 10:03 a.m. until Monday, February 2, at the hour of 3:30 p.m.

JEAN A. TURNAGE
President of the Senate

JOHN W. LARSON
Secretary of the Senate

TWENTY-FIFTH LEGISLATIVE DAY

Helena, Montana
February 2, 1981

Senate Chambers
Capitol Building

Senate convened at 3:30 p.m., President Turnage presiding. Invocation by the Chaplain. Pledge of Allegiance to the Flag.

Roll call. All members present. Quorum present.

Mr. President: We, your Committee on Bills and Journal, having examined the daily journal for the Twenty-fourth Legislative Day, find the same to be correct.

O'HARA, Chairman

REPORTS OF STANDING COMMITTEES

BILLS (O'Hara, Chairman):
Correctly engrossed - SB 151, SB 158, SB 170, SB 171, SB 178, SB 187. Report adopted.

PRINTING (O'Hara, Chairman):
Correctly printed and placed on the members' desks - SB 262, SB 281. Report adopted.

LEGISLATIVE ADMINISTRATION (Kolstad, Chairman):
Respectfully report as follows:

That the following attaches of the Senate be terminated as of 5:00 p.m., Saturday, January 31, 1981:

Becky S. Bump ..... Page
Karl Woodmansey ..... Page
Theresa McGown ..... Page
Kay Bamford ..... Page
Michael Meyer ..... Page
Stephen McClain ..... Page
Jeri L. Scott ..... Page
Mary Jo Burkhartsmeyer ..... Page

And further, that the following attaches of the Senate be employed as of 8:00 a.m., Monday, February 2, 1981:

Daryl J. Vandenacre ..... Page
Wendy R. Hietala ..... Page
John Pavlovich ..... Page
Linda Lee Eagle ..... Page
Carolyn D. Olsen ..... Page
Kimberly Ann Haugen ..... Page

Report adopted.

AGRICULTURE, LIVESTOCK AND IRRIGATION (Galt, Chairman):
SB 97 be amended as follows:

1. Page 7, line 6.
Following: "the proposition"
Strike: "of"
Insert: "or"

And, as so amended, do pass. Report adopted.

SB 176 be amended as follows:

1. Title, lines 18 and 19.
Following: "MAIL;"
Strike: "PROVIDING FOR THE HOLDING OF A HEARING ON OBJECTIONS WITHIN A REASONABLE TIME;"

2. Title, line 20.
Following: "APPLICATION"
Strike: "WITHIN 240 DAYS"
Following: "IF"
Strike: "A HEARING IS HELD OR"

3. Title, line 23.
Following: "ACCOUNT;"
Strike: "ESTABLISHING FEES"
Insert: "PROVIDING A PROPORTIONATE FEE"

4. Title, page 2, line 1.
Strike: "85-2-309 THROUGH"
Insert: "85-2-310,"
Following: "AND"
Strike: "85-2-124"
Insert: "85-2-316"

5. Page 6, lines 3 through 14.
Strike: Section 3 in its entirety
Renumber: all subsequent sections

6. Page 6, line 20.
Following: "within ~~100~~"
Strike: "240"
Insert: "180"

7. Page 9, line 14 through line 13 on page 12.
Following: "Section 7."
Strike: Section 7 in its entirety
Insert: "Section 85-2-316, MCA, is amended to read:

"85-2-316. Reservation of waters." Subsection (1) remains unchanged.

Subsection (2) is amended as follows:

"(2) Upon receiving an application, the department shall proceed in accordance with 85-2-307 through 85-2-309. After the hearing provided in 85-2-309, the board shall decide whether to reserve the water for the applicant. The department's costs of giving notice, holding the hearing, conducting investigations, and making records incurred in acting upon the application to reserve water, except the cost of salaries of the department's personnel, shall be paid by the applicant. In addition, a reasonable proportion of the department's cost of preparing an environmental impact statement shall be paid by the applicant.""

Subsections (3) through (11) remain unchanged.

8. Page 12, line 17.
Following: "[Section 1],"
Strike: "[Section 4]"
Insert: "[Section 3]"

9. Page 12, line 18.
Strike: "[Section 5]"
Insert: "[Section 4)"

10. Page 12, line 21.
Following: "(3)"
Strike: "[Section 7]"
Insert: "[Section 6]"

11. Page 12, line 25.
Following: "instruction. Section"
Strike: "6"
Insert: "5"

12. Page 13, line 3.
Following: "Section"
Strike: "6"
Insert: "5"

And, as so amended, do pass. Report adopted.

PUBLIC HEALTH, WELFARE AND SAFETY (Hager, Chairman):
SB 230, do pass. Report adopted.

TAXATION (Goodover, Chairman):
SB 122 be amended as follows:

1. Page 3, line 23.
Following: "authorized,"
Strike: "a"

2. Page 3, line 23.
Following: "special"
Strike: "election"
Insert: "elections"

3. Page 3, line 25.
Following: "20-20-204."
Strike: "Such a special"
Insert: "Any such"

And, as so amended, do pass. Report adopted.

HB 219 be amended as follows:

1. Title, lines 9 and 10.
Following: "EFFECTIVE DATE"
Strike: "AND A TERMINATION DATE"

2. Page 4, line 1.
Following: "date"
Strike: "— termination"

3. Page 4, lines 2 and 3.
Following: "approval"
Strike: "and terminates at the end of taxable year 1980"

And, as so amended, be concurred in. Report adopted.

MESSAGES FROM THE GOVERNOR

February 2, 1981

The Honorable Jean Turnage
President of the Montana State Senate
State Capitol
Helena, Montana 59620

Dear President Turnage:

I respectfully submit to your honorable body the following appointments:

AS MEMBERS OF THE BOARD OF AERONAUTICS, in accordance with Sections 2-15-1103 and 2-15-124:

HERB SAMMONS, Cut Bank, reappointed for a term ending January 7, 1985.

JIM MCLEAN, Bozeman, appointed for a term ending January 7, 1985.

MAURICE SANDMEYER, Sidney, appointed for a term ending January 7, 1985.

ROBERT MILLER, Dillon, appointed for a term ending January 7, 1985.

AS MEMBERS OF THE COAL BOARD, in accordance with Section 2-15-1104:

JACK STEVENS, Great Falls, appointed for a term ending January 7, 1985.

HERSHEL ROBBINS, Roundup, appointed for a term ending January 7, 1985.

NELL KUBESH, Glendive, appointed for a term ending January 7. 1985.

DARCY GALASSO, Butte, appointed for a term ending January 7, 1985.

AS MEMBERS OF THE BOARD OF CRIME CONTROL, in accordance with Section 2-15-2006:

KATHLEEN HENSON, Superior, appointed for a term ending January 7, 1985.

HON. JAMES SORTE, Wolf Point, reappointed for a term ending January 7, 1985.

PEDRO HERNANDEZ, Billings, appointed for a term ending January 7, 1985.

CARROLL SOUTH, Helena, appointed for a term ending January 7, 1985.

DR. GORDON BROWDER, Missoula, reappointed for a term ending January 7, 1985.

ELLIS GENE KISER, Billings, appointed for a term ending January 7, 1985.

GLENN OSBORNE, Great Falls, appointed for a term ending January 7, 1985.

HON. FRANK HASWELL, Helena, reappointed for a term ending January 7, 1985.

BILL GOULD, Eureka, appointed for a term ending January 7, 1985.

HAROLD HANSER, Billings, appointed for a term ending January 7, 1985.

REP. REX MANUEL, Fairfield, appointed for a term ending January 7, 1985.

KENNETH RUSTAD, Baker, appointed for a term ending January 7, 1985.

AS MEMBERS OF THE STATE FISH AND GAME COMMISSION, in accordance with Sections 2-15-3402 and 2-15-124:

DAN OAKLAND, Great Falls, appointed for a term ending January 7, 1985.

DON BAILEY, Forsyth, appointed for a term ending January 7, 1985.

EARL L. SHERRON, Missoula, reappointed for a term ending January 7, 1985.

AS MEMBERS OF THE BOARD OF HEALTH AND ENVIRONMENTAL SCIENCES, in accordance with Sections 2-15-2104 and 2-15-124:

TENNIE BOTTOMLY, Belgrade, appointed for a term ending January 7, 1985.

EDWIN ZAIDLICZ, Billings, appointed for a term ending January 7, 1985.

DR. KENNETH LEE, Scobey, appointed for a term ending January 7, 1985.

DR. RAYMOND GRONDAHL, Butte, reappointed for a term ending January 7, 1985.

AS A MEMBER OF THE BOARD OF HORSE RACING, in accordance with Section 2-15-1662:

LINDA KING, appointed for a term ending January 16, 1984.

AS MEMBERS OF THE BOARD OF HOUSING, in accordance with Sections 2-15-1008 and 2-15-124:

DELOS JAMISON, Billings, appointed for a term ending January 7, 1985.

TOM BATTERSHELL, Helena, appointed for a term ending January 7, 1985.

BRUCE MOERER, Shelby, appointed for a term ending January 7, 1985.

JOAN BENNETT, Great Falls, appointed for a term ending January 7, 1985.

AS MEMBERS OF THE COMMISSION FOR HUMAN RIGHTS, in accordance with Sections 2-15-1706 and 2-15-124:

MARGERY BROWN, Missoula, appointed for a term ending January 7, 1985.

ANGELINA VALLEJO CORMIER, Billings, appointed for a term ending January 7, 1985.

BERNARD F. CHRISTIAENS, Great Falls, appointed for a term ending January 7, 1985.

AS MEMBERS OF THE BOARD OF INVESTMENTS, in accordance with Sections 2-15-1005 and 2-15-124:

DEAN ALBERT, Great Falls, reappointed for a term ending January 7, 1985.

W. E. SCHREIBER, Whitefish, appointed for a term ending January 7, 1985.

GREG JERGESON, Chinook, appointed for a term ending January 7, 1985.

AS MEMBERS OF THE BOARD OF NATURAL RESOURCES AND CONSERVATION, in accordance with Sections 2-15-3302 and 2-15-124:

LAND LINDBERG, Greenough, appointed for a term ending January 7, 1985.

CHARLES L. HASH, Kalispell, reappointed for a term ending January 7, 1985.

RICHARD SPALDING, Billings, appointed for a term ending January 7, 1985.

CECIL WEEDING, Jordan, reappointed for a term ending January 7, 1985.

AS MEMBERS OF THE BOARD OF OIL AND GAS CONSERVATION, in accordance with Sections 2-15-3303 and 2-15-124:

ROBERT PENNER, Wolf Point, appointed for a term ending January 7, 1985.

BERNT WARD, Plentywood, appointed for a term ending January 7, 1985.

H. V. NEES, Billings, appointed for a term ending January 7, 1985.

CARL IVERSON, Whitlash, reappointed for a term ending January 7, 1985.

AS MEMBERS OF THE BOARD OF PARDONS, in accordance with Sections 2-15-2302 and 2-15-124:

HENRY E. BURGESS, Helena, reappointed for a term ending January 7, 1985.

JAMES WELCH, Missoula, reappointed for a term ending January 7, 1985.

ANTHONY MARRA, Havre, appointed as auxiliary member for a term ending January 7, 1985.

AS MEMBERS OF THE BOARD OF PERSONNEL APPEALS, in accordance with Sections 2-15-1705 and 2-15-124:

LLOYD MARKELL, Helena, appointed for a term ending January 7, 1985.

JOHN KELLY ADDY, Billings, appointed for a term ending January 7, 1985.

JOHN ASTLE, Butte, appointed for a term ending January 7, 1985.

AS A MEMBER OF THE BOARD OF REGENTS, in accordance with Article X, Section 9, Subsection 2, of the Montana Constitution:

SHELLEY HOPKINS, Missoula, reappointed for a term ending February 1, 1982.

AS A MEMBER OF THE BOARD OF SOCIAL AND REHABILITATION SERVICES APPEALS, in accordance with Sections 2-15-2203 and 2-15-124:

MINNIE ELLEN FRITZLER, Crow Agency, reappointed for a term ending January 7, 1984.

AS A MEMBER OF THE STATE TAX APPEAL BOARD, in accordance with Sections 2-15-1015 and 15-2-101:

ROBERT S. RAUNDAL, Helena, reappointed for a term ending March 1, 1987.

Sincerely,

TED SCHWINDEN
Governor

Referred to Committee on State Administration

MOTIONS

Senator Berg moved that the Senate reconsider its action taken on the adoption of an Adverse Committee Report on Senate Bill No. 197 and that it be printed and placed on Second Reading. Motion failed by the following vote:

Ayes: Berg, Blaylock, Boylan, S. Brown, Conover, Crippen, Eck, Hafferman, Haffey, Halligan, Healy, Jacobson, Manning, Mazurek, Norman, O'Hara, Regan, Ryan, Stimatz, Story, Thomas, Towe, Van Valkenburg.
Total 23

Noes: Aklestad, Anderson, B. Brown, Dover, Elliott, Etchart, Galt, Goodover, Graham, Hager, Hammond, Hazelbaker, Himsl, Johnson, Keating, Kolstad, Lee, Manley, McCallum, Nelson, Ochsner, Olson, Severson, Smith, Stephens, Tveit, Mr. President.
Total 27

Excused: None.
Total 0

Absent or not voting: None.
Total 0

FIRST READING OF BILLS

The following Senate bills were introduced, read first time and referred to committees:

SB 346, introduced by Graham, (By Request of the Department of Highways). Referred to Committee on Highways and Transportation.
SB 347, introduced by Galt, Turnage, Boylan, Roth. Referred to Committee on Agriculture, Livestock and Irrigation.
SB 348, introduced by M. Anderson, McCallum, Thomas. Referred to Committee on Public Health, Welfare and Safety.
SB 349, introduced by Boylan, Ellerd, Galt, M. Anderson. Referred to Committee on Agriculture, Livestock and Irrigation.
SB 350, introduced by Stimatz, (By Request of the Public Employees' Retirement Board). Referred to Committee on State Administration.
SB 351, introduced by Etchart, Anderson. Referred to Committee on Public Health, Welfare and Safety.
SB 352, introduced by Blaylock, Himsl, Towe, Turnage, Eck, McCallum, (By Request of the Insurance Department). Referred to Committee on Business and Industry.
SB 353, introduced by Conover, Graham, E. Smith, Holliday. Referred to Committee on Local Government.

The following Senate Joint Resolution was introduced, read first time and referred to committee:

SJR 10, introduced by Norman, (By Request of the Senate Committee on Taxation). Referred to Committee on Taxation.

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Hafferman in the Chair.

Senate resumed. President Turnage in the Chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on Second Reading, recommend as follows:

That Senate Bill No. 135 be amended as follows:

1. Page 2, lines 2 through 4.
Following: "~~leave~~"
Strike: all underlined material through "LEAVE" on line 4

2. Page 2, line 15.
Following: "leave."
Insert: "In all other cases the compensation used in computing the combined employee and employer contributions must be the annual compensation received during his first full year's teaching salary earned in Montana after his return from leave."

Amendment passed by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

That Senate Bill No. 135, as amended, do pass by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

That Senate Bill No. 144 be amended as follows:

1. Page 1, line 16 and 17.
Following: "pay"
Strike: "the"
Following: "claim"

Insert: "presented to public agencies"

Amendment passed by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

That Senate Bill No. 144 be amended as follows:

1. Page 1, line 22.
Following: "submitted"
Insert: "purposely and knowingly"

Amendment passed by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

That Senate Bill No. 144, as amended, do pass by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: Crippen.
Total 1

Excused: None.
Total 0

Absent or not voting: None.
Total 0

That Senate Bill No. 149 do pass by the following vote:

Ayes: Anderson, Berg, Blaylock, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Hafferman, Haffey, Hager, Halligan, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Manning, Mazurek, McCallum, Ochsner, O'Hara, Regan, Ryan, Severson, Stephens, Stimatz, Story, Thomas, Towe, Van Valkenburg, Mr. President.
Total 37

Noes: Aklestad, Boylan, Goodover, Hammond, Kolstad, Lee, Manley, Nelson, Norman, Olson, Smith, Tveit.
Total 12

Excused: None.
Total 0

Absent or not voting: Graham.
Total 1

At the request of Senator Mazurek, and without objection, Senate Bill No. 162 was placed at the bottom of the board.

That Senate Bill No. 173 do pass by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

That Senate Bill No. 179 do pass. Motion failed by the following vote:

Ayes: Berg, Boylan, B. Brown, S. Brown, Conover, Eck, Graham, Hafferman, Haffey, Halligan, Hazelbaker, Healy, Jacobson, Kolstad, Mazurek, Norman, Regan, Ryan, Smith, Stimatz, Thomas, Towe, Van Valkenburg.
Total 23

Noes: Aklestad, Anderson, Blaylock, Crippen, Dover, Elliott, Etchart, Galt, Goodover, Hager, Hammond, Himsl, Johnson, Keating, Lee, Manley, Manning, McCallum, Nelson, Ochsner, O'Hara, Olson, Severson, Stephens, Story, Tveit, Mr. President.
Total 27

Excused: None.
Total 0

Absent or not voting: None.
Total 0

That Senate Bill No. 179 be indefinitely postponed. Motion carried by the following vote:

Ayes: Aklestad, Anderson, Blaylock, Crippen, Dover, Elliott, Etchart, Galt, Goodover, Hager, Himsl, Johnson, Keating, Kolstad, Lee, Manley, McCallum, Nelson, O'Hara, Olson, Severson, Smith, Stephens, Story, Tveit, Mr. President.
Total 26

Noes: Berg, Boylan, B. Brown, S. Brown, Conover, Eck, Graham, Hafferman, Haffey, Halligan, Hammond, Hazelbaker, Healy, Jacobson, Mazurek, Norman, Ochsner, Regan, Ryan, Stimatz, Thomas, Towe, Van Valkenburg.
Total 23

Excused: None.
Total 0

Absent or not voting: Manning.
Total 1

That Senate Bill No. 211 do pass by the following vote:

Ayes: Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Manley, Manning, Mazurek, McCallum, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Van Valkenburg, Mr. President.
Total 45

Noes: Aklestad, Goodover, Lee, Nelson, Tveit.
Total 5

Excused: None.
Total 0

Absent or not voting: None.
Total 0

That Senate Bill No. 162 be amended as follows:

1. Page 2, line 6.
Following: "allowed."
Insert: "Nothing contained in this section shall require the joinder of any party pursuant to rule 19(a) of the Montana Rules of Civil Procedure or otherwise."

Amendment passed by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 47

Noes: Etchart, Kolstad, Lee.
Total 3

Excused: None.
Total 0

Absent or not voting: None.
Total 0

That Senate Bill No. 162, as amended, do pass by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

That the Committee rise and report. (Hafferman, Chairman)

Upon motion of Senator Hafferman, duly carried, the foregoing Report of the Committee of the Whole was adopted.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

Senate Bill No. 74 was passed by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Senate Bill No. 90 was passed by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Kolstad, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 45

Noes: Galt, Keating, Lee, Manley.

Total 4

Excused: None.
Total 0

Absent or not voting: Manning.
Total 1

Senate Bill No. 91 was passed by the following vote:

Ayes: Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Goodover, Graham, Hafferman, Haffey, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Kolstad, Manning, Mazurek, McCallum, Nelson, Norman, O'Hara, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 42

Noes: Aklestad, Galt, Hager, Keating, Lee, Manley, Ochsner, Olson.
Total 8

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Senate Bill No. 100 was passed by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Senate Bill No. 106 was passed by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.

Total 0

Senate Bill No. 143 was passed by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Senate Bill No. 185 was passed by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Senate Bill No. 186 was passed by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Upon motion of Senator Stephens, duly carried, the Senate adjourned at 4:48 p.m. until Tuesday, February 3, at the hour of 3:30 p.m.

JEAN A. TURNAGE
President of the Senate

JOHN W. LARSON
Secretary of the Senate

TWENTY-SIXTH LEGISLATIVE DAY

Helena, Montana
February 3, 1981

Senate Chambers
Capitol Building

Senate convened at 3:30 p.m., President Pro Tempore Kolstad presiding. Invocation by the Chaplain. Pledge of Allegiance to the Flag.

Roll call. All members present except Dover, Manley, excused. Quorum present.

Mr. President: We, your Committee on Bills and Journal, having examined the daily journal for the Twenty-fifth Legislative Day, find the same to be correct.

O'HARA, Chairman

REPORTS OF STANDING COMMITTEES

PRINTING (O'Hara, Chairman):
Correctly printed and placed on the members' desks - SB 97, SB 122, SB 176, SB 230. Report adopted.

BILLS (O'Hara, Chairman):
Correctly engrossed - SB 135, SB 144, SB 149, SB 162, SB 173, SB 211. Report adopted.

COMMITTEE ON COMMITTEES (Galt, Chairman):
Does hereby appoint to the ADMINISTRATIVE CODE COMMITTEE:

Pete Story	Lawrence G. Stimatz
Bill Thomas	H. W. Hammond

Report adopted.

AGRICULTURE, LIVESTOCK AND IRRIGATION (Galt, Chairman):
SB 146, introduced bill, be amended as follows:

1. Page 2, line 11.
Following: "hobbyist apiary"
Strike: ","
Insert: "."

2. Page 2, line 12.
Following: line 11
Strike: line 12 in its entirety

3. Page 8, line 11.
Following: line 10
Strike: "80-6-102(3)(g)"
Insert: "80-6-102(9)"

4. Page 9, lines 15 through 17.
Following: line 14
Strike: lines 15 through 17 in their entirety
Insert: "(3) No certificate of registration of a pollination apiary may be leased, assigned, or transferred and no person other than the pollination apiary registrant may exercise any rights or privileges, directly or indirectly, authorized by the certificate of registration."

5. Page 10, lines 3 through 5.
Strike: lines 3 through 5 in their entirety
Insert: "(2) No certificate of registration of a landowner apiary may be leased, assigned, or transferred and no person other than the

landowner apiary registrant may exercise any rights or privileges, directly or indirectly, authorized by the certificate of registration."

6. Page 11, lines 3 through 5.
Strike: lines 3 through 5 in their entirety
Insert: "(2) No certificate of registration of a hobbyist apiary may be leased, assigned, or transferred and no person other than the hobbyist apiary registrant may exercise any rights or privileges, directly or indirectly, authorized by the certificate of registration."

And, as so amended, do pass. Report adopted.

BUSINESS AND INDUSTRY (Hazelbaker, Chairman):
SB 233, do pass. Report adopted.

EDUCATION (B. Brown, Chairman):
SB 125, introduced bill, be amended as follows:

1. Page 1, line 16.
Following: "~~$75,000~~"
Strike: "$600,000"
Insert: "$150,000"

2. Page 1, line 21.
Following: "~~$100,000~~"
Strike: "$600,000"
Insert: "$175,000"

And, as so amended, do pass. Report adopted.

JUDICIARY (Anderson, Chairman):
SB 24, introduced bill, be amended as follows:

1. Title, line 6.
Following: "3-15-313,"
Strike: "AND"

2. Title, line 6.
Following: "3-15-505,"
Insert: "3-15-507, 46-16-301, AND 46-16-304,"

3. Page 1, lines 12 through 15.
Following: "juror"
Reinsert: all stricken language

4. Page 1.
Following: line 17
Insert: "(2) when it satisfactorily appears that the person should be excused under 3-15-313 or 3-15-507."

5. Page 1, line 19 through line 2 on page 2.
Following: "excused"
Strike: remainder of Section 2
Insert: "— Affidavit to Claim Excuse. (1) The Court shall excuse a person from jury service upon finding that jury service would entail undue hardship for the person or the public served by the person.

(2) If a person believes jury service would entail undue hardship for him or the public served, he may make and transmit an affidavit to the clerk of the court for which he is summoned stating his occupation or such other facts as he believes will excuse him from jury service. The affidavit shall be filed with the clerk of the court who shall transmit it to the court. The court may excuse a prospective

juror from jury service if the prospective juror satisfies the provisions of subsection (1).

(3) A person may also be excused from jury service upon presentation of his excuse to the court as provided in 3-15-507."

6. Page 2, line 7.
Following: "designates."
Insert: remainder of line 7

7. Page 2.
Following: line 7
Insert: "affidavit claiming an excuse as provided for in 3-15-313."

8. Page 2, lines 13 through 16.
Strike: all of Section 4
Insert: "Section 4. Section 3-15-507, MCA, is amended to read:

"3-15-507. Clerk to call list of jurors summoned and prepare capsules. (1) At the opening of court on the day trial jurors have been summoned to appear, the clerk shall call the names of those summoned and the court may hear the excuses of prospective jurors summoned. The court shall excuse any person satisfying the requirements of 3-15-313(1)."

Subsection (2) remains without change.

Section 5. Section 46-16-301, MCA, is amended to read:

"46-16-301. Formation of trial jury."

Subsection (1) remains without change.

"(2) The qualifications of jurors and ~~exemptions~~ excuses from jury duty are prescribed in Title 3, chapter 15, part 3."

Section 6. Section 46-16-304, MCA, is amended to read:

"46-16-304. Challenges for cause."

Subsections (1) and (2) remain without change.

"(3) An ~~exemption~~ excuse from service on a jury is not a cause of challenge but the privilege of the person ~~exempted~~ excused.""

9. Page 2, lines 19 through 22.
Strike: all of Section 6

And, as so amended, do pass. Report adopted.

LEGISLATIVE ADMINISTRATION (Kolstad, Chairman):
SB 264, do pass. Report adopted.

LOCAL GOVERNMENT (McCallum, Chairman):
SB 48, introduced bill, be amended as follows:

1. Title, line 5.
Following: "A"
Strike: "SPOUSE, CHILD, OR PARENT"
Insert: "PERSON"

2. Title, line 6.
Following: "TECHNICAL"
Strike: ","
Insert: "OR"

Following: "SCIENTIFIC"
Strike: ", OR LICENSED"

3. Title, line 7.
Following: line 6
Strike: "IS THE MOST QUALIFIED APPLICANT OR"

4. Page 1, line 24 through line 5 on page 2.
Strike: subsection (b) in its entirety
Insert: "(b) the appointment of a person to employment requiring specialized skills that are technical or scientific in nature based upon recognized objective criteria when no other qualified person has applied for that position and reasonable efforts have been made to advertise the position statewide."

And, as so amended, do pass. Report adopted.

SB 115, introduced bill, be amended as follows:

1. Title, line 5.
Following: "AND"
Strike: "HEARING"
Insert: "PROTEST"

2. Title, line 6.
Following: "AMENDING"
Strike: "SECTION"
Insert: "SECTIONS 7-13-204, 7-13-208, 7-13-209, 7-13-211, AND"

3. Pages 1 and 2.
Strike: all of the bill following the enacting clause
Insert: "Section 1. Section 7-13-204, MCA, is amended to read:

"7-13-204. Resolution of intention to create refuse disposal district. (1) Before creating any refuse disposal district, the commissioners shall pass a resolution of intention to do so.

(2) The resolution shall designate:

(a) the proposed name of such district;

(b) the necessity for the proposed district;

(c) a general description of the territory or lands of said district, giving the boundaries thereof;

(d) the general character of the collection service;

(e) the ~~estimated cost thereof~~ proposed fees to be charged for the service."

Section 2. Section 7-13-208, MCA, is amended to read:

"7-13-208. Notice of resolutions of intention and concurrence - hearing. (1) The commissioners must give notice of the passage of the resolution of intention and resolution of concurrence, if applicable, and a notice describing the general characteristics of the collection system and ~~estimated costs~~ proposed fees to be charged for the service, designating the time and place where the commissioners will hear and pass upon protests made against the operation of the proposed district and stating that a description of the boundaries for the proposed district is included in the resolution on file in the county clerk's office.

(2) The notice shall be published in the newspaper published nearest to the place where the proposed district is to be created for 10 consecutive days in a daily newspaper or in two issues of a weekly newspaper and posted in three public places within the boundaries of the proposed district.

(3) A copy shall be mailed by first-class mail to every person, firm, or corporation having real property within the proposed district listed upon the last completed assessment list for county taxes the same day the notice is first published."

Section 3. Section 7-13-209, MCA, is amended to read:

"7-13-209. Right to protest. (1) At any time within 30 days after the date of the first publication of the notice provided for in 7-13-208, any owner of property liable to be assessed for said service may make written protest against the proposed service or against the fees proposed to be charged for the service.

(2) Such protest must be in writing and be delivered to the county clerk, who shall endorse thereon the date of the receipt by him."

Section 4. Section 7-13-211, MCA, is amended to read:

"7-13-211. Sufficient protest to bar proceedings. (1) If the protest against the proposed service is made by the owners of more than 50% of the family residential units in the proposed district, no further proceedings shall be taken by the commissioners.

(2) If the protest against the fees proposed to be charged is made by the owners of more than 50% of the family residential units in the proposed district, the board and commissioners shall hold a hearing to determine an acceptable fee.

~~(2)~~(3) Each commercial and industrial service that is to be included in the collection system may be considered as a family residential unit for the purpose of determining percent of protest."

Section 5. Section 7-13-231, MCA, is amended to read:

"7-13-231. Authorization for charges for services. (1) To defray the cost of maintenance and operation of said refuse disposal district, the board shall establish a fee for service, with approval of the county commissioners, provided written protest on the proposed fee has not been received from more than 50% of the family residential units in the district.

(2) This fee shall be assessed to all units in the district that are receiving a service, for the purpose of maintenance and operation of said district.""

And, as so amended, do pass. Report adopted.

NATURAL RESOURCES (Dover, Chairman):

SB 80, do pass. Report adopted.

SB 165, introduced bill, be amended as follows:

1. Page 1, line 17.
Following: "royalty"
Insert: "on a nonproducing lease"

And, as so amended, do pass. Report adopted.

TAXATION (Goodover, Chairman):

SB 47, do pass. Report adopted.

SB 77, introduced bill, be amended as follows:

1. Title, lines 5 and 6.
Following: "EXTEND"
Strike: "UNTIL JUNE 30, 1983,"

2. Page 1, lines 18 through 20.
Following: "notes."
Strike: "(1) The total amount of notes issued under 17-1-201 may not exceed an aggregate of $100 million and no"
Insert: "No"

3. Page 1, line 21.
Strike: "such"
Following: "notes."
Insert: "issued under 17-1-201"

4. Page 1, line 22.
Strike: line 22 in its entirety

And, as so amended, do pass. Report adopted.

FINANCE AND CLAIMS (Himsl, Chairman):
HB 94, third reading copy, be amended as follows:

1. Page 3, section 5, line 9.
Strike: line 9
Insert: "The department of highways may transfer appropriated highway earmarked funds totaling no more than $2,712,849 from the construction and preconstruction divisions to the maintenance division in order to offset an anticipated deficit within the maintenance division."

2. Pages 1 through 8.
All technical corrections made by Legislative Council be approved.

And, as so amended, be concurred in. Report adopted.

JUDICIARY (Anderson, Chairman):
HB 52, introduced bill, be amended as follows:

1. Page 3, lines 5 and 6.
Following: line 4
Strike: "an adult member of the minor's family, a guardian of the minor,"

And, as so amended, be concurred in. Report adopted.

LABOR AND EMPLOYMENT RELATIONS (Nelson, Chairman):
HB 76, be concurred in. Report adopted.

LEGISLATIVE ADMINISTRATION (Kolstad, Chairman):
HJR 8, be concurred in. Report adopted.

STATE ADMINISTRATION (Story, Chairman):
SB 189, do not pass.

Thereupon, the Adverse Committee Report was adopted by the following roll call vote:

Ayes: Aklestad, Anderson, Boylan, Etchart, Galt, Goodover, Graham, Hafferman, Hager, Hammond, Hazelbaker, Johnson, Kolstad, Lee,

McCallum, Norman, Ochsner, O'Hara, Severson, Smith, Stephens, Story, Thomas, Tveit, Mr. President.
Total 25

Noes: Berg, Blaylock, B. Brown, S. Brown, Conover, Crippen, Eck, Elliott, Haffey, Halligan, Healy, Himsl, Jacobson, Keating, Mazurek, Nelson, Olson, Regan, Ryan, Stimatz, Towe, Van Valkenburg.
Total 22

Excused: Dover, Manley.
Total 2

Absent or not voting: Manning.
Total 1

SB 190, do not pass.

Thereupon the Adverse Committee Report was adopted by the following roll call vote:

Ayes: Aklestad, Boylan, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Hager, Hammond, Hazelbaker, Johnson, Keating, Kolstad, Lee, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Severson, Smith, Stephens, Story, Thomas, Tveit, Mr. President.
Total 29

Noes: Anderson, Berg, Blaylock, B. Brown, S. Brown, Conover, Crippen, Eck, Haffey, Halligan, Healy, Himsl, Jacobson, Olson, Regan, Ryan, Stimatz, Towe, Van Valkenburg.
Total 19

Excused: Dover, Manley.
Total 2

Absent or not voting: None.
Total 0

SB 194, do not pass.

Thereupon, the Adverse Committee Report was adopted by the following roll call vote:

Ayes: Aklestad, Anderson, Boylan, B. Brown, Conover, Crippen, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Hager, Hammond, Hazelbaker, Himsl, Johnson, Keating, Kolstad, Lee, Manning, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Severson, Smith, Stephens, Story, Thomas, Tveit, Mr. President.
Total 34

Noes: Berg, Blaylock, S. Brown, Eck, Haffey, Halligan, Healy, Jacobson, Mazurek, Regan, Ryan, Stimatz, Towe, Van Valkenburg.
Total 14

Excused: Dover, Manley.
Total 2

Absent or not voting: None.
Total 0

LEGISLATIVE ADMINISTRATION (Kolstad, Chairman):
SJR 6, do not pass.

Thereupon, the Adverse Committee Report was adopted by the following roll call vote:

Ayes: Aklestad, Anderson, Boylan, B. Brown, Conover, Crippen, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Hager, Hammond, Hazelbaker, Healy, Himsl, Johnson, Keating, Kolstad, Lee, Manning, McCallum, Nelson, Ochsner, O'Hara, Olson, Severson, Smith, Stephens, Story, Thomas, Tveit, Van Valkenburg, Mr. President.
Total 35

Noes: Berg, Blaylock, S. Brown, Eck, Haffey, Halligan, Jacobson, Mazurek, Norman, Regan, Ryan, Stimatz, Towe.
Total 13

Excused: Dover, Manley.
Total 2

Absent or not voting: None.
Total 0

MESSAGES FROM THE GOVERNOR

PROCLAMATION

WHEREAS, Registered Nurses comprise the largest professional group of health care providers in Montana; and

WHEREAS, Registered Nurses have always been consumers' advocates; and

WHEREAS, Registered Nurses support all legislation that promotes high quality health care for the citizens of Montana; and

WHEREAS, several hundred Registered Nurses have travelled to the state capitol for two days of continuing education and to visit the Legislature to build their knowledge and awareness of the legislative process.

NOW, THEREFORE, I, TED SCHWINDEN, Governor of the State of Montana, do hereby declare Friday, February 20, 1981, as

NURSES' DAY AT THE LEGISLATURE

IN WITNESS WHEREOF, I have hereunto set my hand and caused the GREAT SEAL OF THE STATE OF MONTANA to be affixed. DONE at the City of Helena, the Capital, this second day of February, in the year of our LORD, one thousand nine hundred and eighty-one.

TED SCHWINDEN
Governor

ATTEST:
Jim Waltermire
Secretary of State

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following House bills were on 2/2/81, passed and transmitted to the Senate for concurrence:

House Bill No. 36, introduced by Brand

House Bill No. 201, introduced by Sivertsen

House Bill No. 263, introduced by Mueller

House Bill No. 264, introduced by Phillips

House Bill No. 74, introduced by Harper

House Bill No. 250, introduced by Nordtvedt

House Bill No. 271, introduced by Thoft

House Bill No. 274, introduced by Brand

House Bill No. 287, introduced by Fabrega

House Bill No. 296, introduced by Nordtvedt

House Bill No. 353, introduced by Kemmis

MOTIONS

Senator B. Brown moved that Senate Bill No. 189, being a Constitutional Amendment, be printed and placed on Second Reading. Unanimously passed.

FIRST READING OF BILLS

The following Senate bills were introduced, read first time and referred to committees:

SB 354, introduced by S. Brown, Himsl, (By Request of the Legislative Audit Committee). Referred to Committee on Local Government.

SB 355, introduced by Blaylock, Fabrega, (By Request of the Governor). Referred to Committee on Taxation.

SB 356, introduced by Blaylock, Fabrega, (By Request of the Office of the Governor). Referred to Committee on Taxation.

SB 357, introduced by Towe. Referred to Committee on Business and Industry.

SB 358, introduced by Turnage, Norman. Referred to Committee on Taxation.

SB 359, introduced by Norman. Referred to Committee on Local Government.

SB 360, introduced by Aklestad, Keating, Graham, Galt, Underdal, Seifert. Referred to Committee on Labor and Employment Relations.

SB 361, introduced by Lee, Goodover. Referred to Committee on Taxation.

SB 362, introduced by Van Valkenburg. Referred to Committee on Local Government.

SB 363, introduced by Ochsner, Roth, Kolstad, Hammond, Asay, Sivertsen, Conover. Referred to Committee on Agriculture, Livestock and Irrigation.

The following House bills were introduced, read first time and referred to committees:

HB 36, introduced by Brand, Hansen, Manning. Referred to Committee on Taxation.

HB 74, introduced by Harper, (By Request of the Administrative Code Committee). Referred to Committee on State Administration.

HB 201, introduced by Sivertsen. Referred to Committee on State Administration.

HB 250, introduced by Nordtvedt, Marks, Fagg, Spilker, Kitselman, Sales, Curtiss, Burnett, Moore, D. O'Hara, Iverson, Hurwitz, Keyser, Lund, Turnage, Stephens, Smith, Goodover, Hannah, Winslow, Cozzens, Andreason, Jensen, Seifert, Switzer, Sivertsen, Matsko, Asay, Phillips, Feda, Schultz, Briggs, Wallin, Ernst, Kropp, Fabrega, Gould, Underdal, Harp, Donaldson, Devlin, Hanson, Meyer, Ryan, Bertelsen, Vinger, Elliott, C. Smith. Referred to Committee on Taxation.

HB 263, introduced by Mueller, Harp, Seifert, Lund, Feda, Donaldson, Dozier, Quilici, Neuman, (By Request of the Public Employees' Retirement Board). Referred to Committee on State Administration.

HB 264, introduced by Phillips, (By Request of the Public Employees' Retirement Board). Referred to Committee on State Administration.

HB 271, introduced by Thoft, Quilici, Harrington. Referred to Committee on Local Government.

HB 274, introduced by Brand, R. Manning. Referred to Committee on State Administration.

HB 287, introduced by Fabrega. Referred to Committee on Highways and Transportation.

HB 296, introduced by Nordtvedt. Referred to Committee on State Administration.

HB 353, introduced by Kemmis, Berg. Referred to Committee on Local Government.

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Ochsner in the Chair.

Senate resumed. President Pro Tempore Kolstad in the Chair.

Mr. President Pro Tempore: We, your Committee of the Whole, having had under consideration business on Second Reading, recommend as follows:

That Senate Bill No. 262 do pass by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Eck, Etchart, Galt, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 46

Noes: Elliott, Goodover.
Total 2

Excused: Dover, Manley.
Total 2

Absent or not voting: None.
Total 0

That Senate Bill No. 281 do pass by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Eck, Etchart, Galt, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Kolstad, Mazurek, McCallum, Norman, O'Hara, Regan, Ryan, Severson, Stephens, Stimatz, Story, Thomas, Towe, Van Valkenburg, Mr. President.
Total 37

Noes: Elliott, Goodover, Keating, Lee, Nelson, Olson, Smith, Tveit.
Total 8

Excused: Dover, Manley.
Total 2

Absent or not voting: Johnson, Manning, Ochsner.
Total 3

That the Committee rise and report. (Ochsner, Chairman)

Upon motion of Senator Ochsner, duly carried, the foregoing report of the Committee of the Whole was adopted.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

Senate Bill No. 151 was passed by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Eck, Etchart, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Mazurek, McCallum, Norman, Ochsner, O'Hara, Regan, Ryan, Severson, Smith, Stephens, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 36

Noes: Elliott, Galt, Goodover, Jacobson, Keating, Nelson, Olson, Stimatz.
Total 8

Excused: Dover, Manley.
Total 2

Absent or not voting: Johnson, Kolstad, Lee, Manning.
Total 4

Senate Bill No. 158 was passed by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Eck, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 44

Noes: Crippen, Elliott, Story.
Total 3

Excused: Dover, Manley.
Total 2

Absent or not voting: Manning.
Total 1

Senate Bill No. 170 was passed by the following vote:

Ayes: Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Eck, Etchart, Galt, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Healy, Jacobson, Johnson, Keating, Kolstad, Mazurek, McCallum, Norman, Ochsner, O'Hara, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Van Valkenburg, Mr. President.
Total 38

Noes: Aklestad, Elliott, Goodover, Hazelbaker, Himsl, Lee, Nelson, Olson, Tveit.
Total 9

Excused: Dover, Manley.
Total 2

Absent or not voting: Manning.
Total 1

Senate Bill No. 171 was passed by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 47

Noes: None.
Total 0

Excused: Dover, Manley.
Total 2

Absent or not voting: Manning.
Total 1

Senate Bill No. 178 was passed by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Van Valkenburg, Mr. President.
Total 44

Noes: Crippen, Ryan, Tveit.
Total 3

Excused: Dover, Manley.
Total 2

Absent or not voting: Manning.
Total 1

Senate Bill No. 187 was passed by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 47

Noes: None.
Total 0

Excused: Dover, Manley.
Total 2

Absent or not voting: Manning.
Total 1

House Bill No. 49 was concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl,

Jacobson, Johnson, Keating, Lee, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stimatz, Story, Towe, Tveit, Van Valkenburg, Mr. President.
Total 44

Noes: None.
Total 0

Excused: Dover, Manley.
Total 2

Absent or not voting: Kolstad, Manning, Stephens, Thomas.
Total 4

At the request of Senator S. Brown, and without objection, the Senate reverted to Order of Business No. 6.

MOTIONS

Senator S. Brown moved that the Senate reconsider its action taken on the adoption of an Adverse Committee Report on Senate Joint Resolution No. 6 this Legislative Day and that same be printed and placed on Second Reading. Motion failed by the following vote:

Ayes: Berg, Blaylock, S. Brown, Eck, Haffey, Halligan, Healy, Jacobson, Lee, Mazurek, Norman, Regan, Ryan, Stimatz, Towe, Van Valkenburg.
Total 16

Noes: Aklestad, Anderson, Boylan, B. Brown, Conover, Crippen, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Hager, Hammond, Hazelbaker, Himsl, Johnson, Keating, Kolstad, McCallum, Nelson, Ochsner, O'Hara, Olson, Severson, Smith, Stephens, Story, Thomas, Tveit, Mr. President.
Total 31

Excused: Dover, Manley.
Total 2

Absent or not voting: Manning.
Total 1

Upon motion of Senator Stephens, duly carried, the Senate adjourned at 4:18 p.m. until Wednesday, February 4, at the hour of 3:30 p.m.

ALLEN C. KOLSTAD
President Pro Tempore of the Senate

JOHN W. LARSON
Secretary of the Senate

TWENTY-SEVENTH LEGISLATIVE DAY

Helena, Montana
February 4, 1981

Senate Chambers
Capitol Building

Senate convened at 3:30 p.m., President Turnage presiding. Invocation by the Chaplain. Pledge of Allegiance to the Flag.

Roll call. All members present. Quorum present.

Mr. President: We, your Committee on Bills and Journal, having examined the daily journal for the Twenty-sixth Legislative Day, find the same to be correct.

O'HARA, Chairman

REPORTS OF STANDING COMMITTEES

BILLS (O'Hara, Chairman):
Correctly engrossed - SB 262, SB 281. Report adopted.

PRINTING (O'Hara, Chairman):
Correctly printed and placed on the members' desks - SB 24, SB 47, SB 48, SB 77, SB 80, SB 115, SB 125, SB 146, SB 165, SB 189, SB 233, SB 264. Report adopted.

AGRICULTURE, LIVESTOCK AND IRRIGATION (Galt, Chairman):
SB 285, do pass. Report adopted.

HIGHWAYS AND TRANSPORTATION (Etchart, Chairman):
SB 296, introduced bill, be amended as follows:

1. Title, line 8.
Following: "STATE"
Insert: "AND IF ANOTHER STATE PARTICIPATES IN THE FUNDING"

2. Page 2, line 22.
Following: "Montana"
Insert: "and if another state participates in the funding of the project"

And, as so amended, do pass. Report adopted.

LOCAL GOVERNMENT (McCallum, Chairman):
SB 152, do pass. Report adopted.

SB 236, introduced bill, be amended as follows:

1. Title, line 7.
Following: "CONSOLIDATED BOARD"
Insert: "AND RESERVE TO ITSELF CERTAIN POWERS AND DUTIES OF PLANNING BOARDS"

2. Page 2.
Following: line 8
Insert: "(4) The interlocal agreement may reserve to one or more of the participating governing bodies any of the powers and duties which this chapter assigns to planning boards."
Renumber: all subsequent subsections

3. Page 2, line 15.
Following: "~~the~~"
Strike: "no"

And, as so amended, do pass. Report adopted.

NATURAL RESOURCES (Dover, Chairman):
SB 123, introduced bill, be amended as follows:

1. Page 3, line 3.
Following: "all land,"
Strike: "including all"

2. Page 3, line 4.
Following: "and"
Strike: "mineral rights appurtenant thereto and"
Insert: "minerals, including oil and gas"

3. Page 3, line 5.
Following: "appropriated"
Strike: ","

4. Page 3, line 6.
Following: "except"
Strike: "land"

5. Page 3, line 7.
Following: "(a)"
Insert: "that"

6. Page 3, line 9.
Following: "(b)"
Insert: "that"

7. Page 3, line 11.
Following: "that"
Insert: "which"

8. Page 3, line 12.
Following: "defense"
Insert: "or buildings and appurtenant structures together with sufficient lands to accommodate the same used and occupied by the United States for necessary governmental functions"

9. Page 3, line 13.
Following: "that"
Insert: "which"

10. Page 3, line 16.
Following: "to"
Strike: "December 31, 1976"
Insert: "[the effective date of this act]"

11. Page 3.
Following: line 19
Insert: "(e) resource land in the state that has been administered by the United States under international treaties or interstate compacts."

12. Page 4, lines 6 and 7.
Following: "people"
Strike: "of this state"

13. Page 4, lines 9 through 12.
Strike: the entire subsection (3)

14. Page 5, lines 5 and 6.
Following: line 4

Strike: subsection (b) in its entirety
Reletter: subsequent subsections

15. Page 5, lines 16 and 17.
Following: "rates" on line 16
Strike: "comparable to present federal rates"
Insert: "that will result in management of such lands without a loss of general fund revenue to the state"

16. Page 5, lines 20 through 23.
Following: "Section 5"
Strike: balance of section in its entirety
Insert: "Sale, transfer, or exchange of land prohibited. (1) Any sale, transfer, or exchange of resource land vested in the state of Montana under the terms of [this act] is void unless:

(a) such sale, transfer, or exchange is made strictly in conformity with and pursuant to laws, rules, and regulations of the United States governing the sale, transfer, and exchange of resource lands when the title thereto was vested in the United States; or

(b) there has been first established by a preponderance of the evidence at public hearings held in each county wherein such land is located, that the sale, transfer, or exchange is established as necessary for a compelling public need and is not in any manner directly or indirectly for private gain or profit.

(2) No sale, transfer, or exchange of resource lands may be made without an act of the legislature approving the sale, transfer, or exchange."

17. Page 5, line 24 through line 12 on page 6.
Following: line 23
Strike: Section 6 in its entirety
Renumber: subsequent sections

18. Page 6, line 15.
Following: "use"
Strike: ","
Insert: "or"

19. Page 6, line 16.
Following: "management"
Strike: ", or disposal"

20. Page 7, line 4.
Following: "provisions of"
Strike: "[Sections 5 or 6]"
Insert: "[Section 5]"

21. Page 7, lines 20 through 23.
Following: line 19
Strike: Section 10 in its entirety

And, as so amended, do pass. Report adopted.

STATE ADMINISTRATION (Story, Chairman):
SB 257, introduced bill, be amended as follows:

1. Page 3, line 1.
Following: "of"
Strike: "$7"
Insert: "$10"

And, as so amended, do pass. Report adopted.

SB 274, introduced bill, be amended as follows:

1. Page 3, line 3.
Following: "~~$25~~"
Strike: "$50"
Insert: "$40"

And, as so amended, do pass. Report adopted.

SB 321, introduced bill, be amended as follows:

1. Title, line 6.
Following: line 5
Strike: "NONACADEMIC STAFF MEMBERS"
Insert: "ALL EMPLOYEES"

2. Page 1, lines 13 and 14.
Following: "for"
Strike: "nonacademic staff members"
Insert: "all employees"

3. Page 1, line 24.
Following: "the"
Strike: "week"
Insert: "same pay period"

4. Page 2, line 1.
Following: "the"
Strike: "week"
Insert: "same pay period"

And, as so amended, do pass. Report adopted.

TAXATION (Goodover, Chairman):
SB 30, introduced bill, be amended as follows:

1. Page 3, line 25.
Following: "January 1,"
Strike: "1982"
Insert: "1981"

2. Page 4, line 1.
Following: "December 31,"
Strike: "1981"
Insert: "1980"

And, as so amended, do pass. Report adopted.

STATE ADMINISTRATION (Story, Chairman):
SJR 7, do pass. Report adopted.

HIGHWAYS AND TRANSPORTATION (Etchart, Chairman):
HB 47, introduced bill, be amended as follows:

1. Title, line 5.
Following: "VEHICLES;"
Insert: "PROVIDING AN IMMEDIATE EFFECTIVE DATE;"

2. Page 1.
Following: line 18
Insert: "Section 2. Effective date. This act is effective on passage and approval."

And, as so amended, be concurred in. Report adopted.

STATE ADMINISTRATION (Story, Chairman):
HB 149, be concurred in. Report adopted.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following House bills were on 2/3/81, passed and transmitted to the Senate for concurrence:

House Bill No. 172, introduced by Donaldson

House Bill No. 215, introduced by Keedy

House Bill No. 220, introduced by Harper

House Bill No. 246, introduced by Yardley

House Bill No. 256, introduced by Vinger

House Bill No. 257, introduced by Wallin

House Bill No. 270, introduced by Sales

House Bill No. 300, introduced by Matsko

House Bill No. 301, introduced by Matsko

House Bill No. 302, introduced by Bardanouve

House Bill No. 275, introduced by Hemstad

House Bill No. 316, introduced by Gould

House Bill No. 322, introduced by Meyer

FIRST READING OF BILLS

The following Senate bills were introduced, read first time and referred to committees:

SB 364, introduced by Hafferman, Hammond, Galt. Referred to Committee on Judiciary.
SB 365, introduced by Hazelbaker, Norman. Referred to Committee on Public Health, Welfare and Safety.

The following House bills were introduced, read first time and referred to committees:

HB 172, introduced by Donaldson, (By Request of the Department of Health and Environmental Sciences). Referred to Committee on Public Health, Welfare and Safety.
HB 215, introduced by Keedy. Referred to Committee on Judiciary.
HB 220, introduced by Harper, Vincent, Burnett, Gould, Jensen. Referred to Committee on Judiciary.
HB 246, introduced by Yardley, (By Request of the Department of Social and Rehabilitation Services). Referred to Committee on Judiciary.
HB 256, introduced by Vinger, Feda, Conroy, Kropp. Referred to Committee on Local Government.
HB 257, introduced by Wallin, Schultz, Kitselman, Williams, Keyser, Sivertsen, Ernst, Nordtvedt, Vincent, Harp. Referred to Committee on Business and Industry.
HB 270, introduced by Sales. Referred to Committee on State Administration.

HB 275, introduced by Hemstad, Smith, Brand, (By Request of the State Auditor). Referred to Committee on State Administration.

HB 300, introduced by Matsko, Keedy, Moore, Phillips, Keyser, Yardley, J. O'Hara, Turnage. Referred to Committee on Public Health, Welfare and Safety.

HB 301, introduced by Matsko, Turnage, Moore, Phillips, Lee, J. O'Hara, Iverson, Van Valkenburg, Keedy. Referred to Committee on Judiciary.

HB 302, introduced by Bardanouve, (By Request of the Department of Administration). Referred to Committee on State Administration.

HB 316, introduced by Gould, (By Request of the Department of Institutions). Referred to Committee on Judiciary.

HB 322, introduced by Meyer, (By Request of the Department of Highways). Referred to Committee on Highways and Transportation.

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Eck in the Chair.

Senate resumed. President Turnage in the Chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on Second Reading, recommend as follows:

That Senate Bill No. 97 do pass by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

That Senate Bill No. 122 do pass by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.

Total 0

That Senate Bill No. 176 do pass by the following vote:

Ayes: Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, Nelson, Norman, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 46

Noes: Aklestad, Hafferman, McCallum, Ochsner.
Total 4

Excused: None.
Total 0

Absent or not voting: None.
Total 0

That Senate Bill No. 230 do pass by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

That House Bill No. 219 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

That the Committee rise and report. (Eck, Chairman)

Senator Berg moved to segregate Senate Bill No. 122 from the Committee of the Whole Report. Unanimously passed.

Upon motion of Senator Eck, duly carried, the foregoing Report of the Committee of the Whole was adopted.

At the request of the President, and without objection, the Senate reverted to Order of Business No. 6.

MOTIONS

Motion was made by Senator Stephens that the rules of the Forty-seventh Legislature be temporarily suspended in order to place House Bill No. 219 on Third Reading this Legislative Day. Motion carried by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Severson, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 47

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: Healy, Ryan, Smith.
Total 3

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

Senate Bill No. 135 was passed by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Senate Bill No. 144 was passed by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan,

Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Senate Bill No. 149 was passed by the following vote:

Ayes: Anderson, Berg, Blaylock, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Graham, Hafferman, Haffey, Hager, Halligan, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Manley, Manning, Mazurek, McCallum, Ochsner, O'Hara, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Van Valkenburg, Mr. President.
Total 41

Noes: Aklestad, Boylan, Goodover, Hammond, Lee, Nelson, Norman, Olson, Tveit.
Total 9

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Senate Bill No. 162 was passed by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Senate Bill No. 173 was passed by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Senate Bill No. 211 was passed by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: Goodover, Nelson.
Total 2

Excused: None.
Total 0

Absent or not voting: None.
Total 0

House Bill No. 219 was concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

At the request of the President, and without objection, the Senate reverted to Order of Business No. 2.

REPORTS OF STANDING COMMITTEES

FINANCE AND CLAIMS (Himsl, Chairman):
SB 88, do pass. Report adopted.

The Committee adopted the following Statement of Intent.

STATEMENT OF INTENT: Senate Bill No. 88

A Statement of Intent is required for this bill because it provides for rulemaking in Section 2. When the provisions being amended by this bill were adopted, it was intended that the formula for allocating appropriations to library federations would be used. The formula proved to be

unworkable and has not been in use. Therefore, there is a need for rules to provide guidance for the allocation of funding, to establish funding formulas, and to determine what type of grant programs should be implemented. The rules authorized by this bill should address the preceding concerns and should incorporate flexibility because the needs change and the funding should accommodate the varying needs.

First adopted by the Senate Finance and Claims Committee on February 4, 1981.

Report adopted.

SB 118, do pass. Report adopted.
SB 124, do pass. Report adopted.

JUDICIARY (M. Anderson, Chairman):
SB 38, introduced bill, be amended as follows:

1. Page 6.
Following: line 13
Reinsert: "brothers and sisters and the children or grandchildren of any deceased brother or sister,"

2. Page 6, lines 15 and 16.
Strike: "issue of the parents or either of them"

3. Page 6, lines 15 through 16.
Following: "4"
Insert: all stricken language

4. Page 6, line 23 through page 7, line 11.
Strike: all underlined language

5. Page 20, line 23.
Following: "section"
Strike: "15"
Insert: "16"

6. Page 21, line 15.
Following: "section"
Strike: "15"
Insert: "16"

7. Page 23, line 20.
Following: "instruction."
Insert: "(1)"

8. Page 23, line 24.
Following: "16."
Insert: "(2) The code commissioner is instructed to codify Section 16 and to renumber Title 72, chapter 4, part 3 in such a way that the sections of Title 72, chapter 4, part 3 are in the same numerical order as the corresponding sections of the Uniform Probate Code, 1977 edition, as promulgated by the national conference of commissioners on uniform state laws."

And, as so amended, do pass. Report adopted.

SB 174, do pass. Report adopted.

Upon motion of Senator Stephens, duly carried, the Senate adjourned at 4:30 p.m. until Thursday, February 5, at the hour of 3:00 p.m.

JEAN A. TURNAGE
President of the Senate

JOHN W. LARSON
Secretary of the Senate

TWENTY-EIGHTH LEGISLATIVE DAY

Helena, Montana
February 5, 1981

Senate Chambers
Capitol Building

Senate convened at 3:00 p.m., President Pro Tempore Kolstad presiding. Invocation by the Chaplain. Pledge of Allegiance to the Flag.

Roll call. All members present except Johnson, excused. Quorum present.

Mr. President: We, your Committee on Bills and Journal, having examined the daily journal for the Twenty-seventh Legislative Day, find the same to be correct.

O'HARA, Chairman

REPORTS OF STANDING COMMITTEES

BILLS (O'Hara, Chairman):
Correctly engrossed - SB 97, SB 176, SB 230. Report adopted.

PRINTING (O'Hara, Chairman):
Correctly printed and placed on the members' desks - SB 30, SB 38, SB 88, SB 118, SB 123, SB 124, SB 152, SB 174, SB 236, SB 257, SB 274, SB 285, SB 296, SB 321, SJR 7. Report adopted.

EDUCATION (B. Brown, Chairman):
SB 154, introduced bill be amended as follows:

1. Title, line 4.
Following: "ACT"
Strike: "AMENDING THE OPEN MEETING LAW"

2. Title, line 6.
Following: "PUBLIC"
Insert: "AND PROVIDING FOR EMERGENCY MEETINGS BY TRUSTEES OF A SCHOOL DISTRICT"

3. Page 2.
Following: line 6
Insert: "(4) In the event of an emergency situation, the trustees of a district may meet at the earliest time that a majority of the trustees' membership can assemble."
Renumber: all subsequent subsections

4. Page 2, line 8.
Following: "meeting"
Strike: "or"
Insert: ","

5. Page 2, line 9.
Following: "special meeting"
Insert: ", or an emergency meeting"

6. Page 2, line 16 through page 4, line 4.
Following: "Section 2."
Strike: Sections 2 and 3 in their entirety
Insert: "Notice of meetings of board of trustees of a school district. (1) The board of trustees of a school district as defined in 20-6-101 shall give notice of regular meetings in the following manner:

(a) by posting a notice of the meeting at least 48 hours before the meeting on the main door of the building in which the school district administration office is located. If there is no such administration office, the notice must be posted on the main door of the principal school building in the district;

(b) by providing a copy of the notice at least 48 hours before the meeting to a daily newspaper of general circulation in first-class districts;

(c) by providing a copy of the notice in time for publication prior to the meeting in a weekly newspaper of general circulation in second-class and third-class districts;

(d) by including in the notice of the meeting the place, time, and intended agenda of the meeting; and

(e) by delivering written notice of the meeting at least 48 hours before the meeting to any individual who is scheduled to be the subject of discussion or action at any meeting.

(2) The board shall give notice of special meetings in the manner provided in (a), (d), and (e) of subsection (1).

(3) In the event of an emergency situation as provided in 20-3-322(4), no public notice is required; however, the trustees shall contact any individual who is to be the subject of discussion or action at such an emergency meeting.

(4) At a regular or special meeting of the board of trustees, the trustees may take action only on the agenda items that were announced in the notice required by subsections (1) and (2), except that the board may act on nonpersonnel-related items if such items are raised spontaneously in good faith.

Section 3. Codification instruction. Section 2 is intended to be codified as an integral part of Title 20, chapter 3, part 3, and the provisions of Title 20, chapter 3, part 3 apply to Section 2."

And, as so amended, do pass. Report adopted.

JUDICIARY (Anderson, Chairman):
SB 161, introduced bill, be amended as follows:

1. Page 36, line 11.
Following: "clause."
Insert: "(1)"

2. Page 36, line 11.
Following: "not"
Strike: "affect"
Insert: "impair the obligation of any contract existing on [the effective date of this act] nor affect any"

3. Page 36.
Following: line 13
Insert: "(2) A limited partnership formed under any statute of this state before [the effective date of this act] may elect to be governed by [this act]. The general partner or partners may make the election for the limited partnership at any time on or after [the effective date of this act] by complying with [Section 11] of [this act], except that the limited partners shall not be required to execute a new certificate of limited partnership. Notwithstanding such election by the general partner or partners:

(a) [Sections 30, 31, and 41] apply only to contributions and distributions made after the date of the election;

(b) [Section 45] applies only to assignments made after the date of the elections; and

(c) [Section 50] does not change the priority of creditors for transactions entered into before the date of the election.

(3) A limited partnership formed under any statute of this state before [the effective date of this act], until or unless it elects to be governed by [this act], shall be governed by 35-12-101 through 35-12-403, or other applicable prior law."

4. Page 36.
Following: line 15
Insert: "Section 65. Secretary of state authorized and required to establish fees commensurate with costs. The secretary of state is authorized and required to set filing fees reasonably related to the costs of processing the applications and certificates. The secretary of state may establish fees for filing a certificate of limited partnership, certificate of amendment, certificate of cancellation, an application to reserve a name, notice of transfer of a reserved name, an application for registration of a foreign limited partnership, a certificate of cancellation or correction of a foreign limited partnership or filing any other statement or report of a domestic or foreign limited partnership. The secretary of state shall maintain records sufficient to support the fee charged for the filing requirements."

And, as so amended, do pass. Report adopted.

The Committee adopted the following Statement of Intent:

STATEMENT OF INTENT: Senate Bill No. 161

A statement of intent is required for this bill because Section 65 of the bill would grant the secretary of state the authority to adopt rules establishing filing fees. Rules are to be adopted under the Montana Administrative Procedure Act. The documents for which filing fees may be charged under those rules shall not be limited to the documents specifically named in Section 65 of SB No. 161, but may include others required or allowed to be filed under the bill's provisions, as well as any amended documents required or allowed to be filed. The rules shall allow the filing and billing for filing fees to be accomplished by mail.

First adopted by the Senate Judiciary Committee on the 4th day of February, 1981.

Report adopted.

PUBLIC HEALTH, WELFARE AND SAFETY (Hager, Chairman):
SB 310, introduced bill, be amended as follows:

1. Page 8, line 7.
Following: "any"
Strike: "valid"

2. Page 8, line 10.
Following: "~~person~~"
Insert: "receiving notice of the claim from the insured or any other person."
Strike: "a"
Insert: "A"

3. Page 8, line 11.
Following: "claimant"
Insert: "shall also be reported to the board within 30 days of such settlement or decision"

And, as so amended, do pass. Report adopted.

HB 62, be concurred in. Report adopted.
HB 70, be concurred in. Report adopted.
SB 237, do not pass.

Thereupon, the Adverse Committee Report was adopted by the following roll call vote:

Ayes: Aklestad, Anderson, Berg, Boylan, B. Brown, Conover, Crippen, Dover, Elliott, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, Olson, Severson, Smith, Stephens, Stimatz, Story, Towe, Tveit, Van Valkenburg, Mr. President.
Total 40

Noes: Blaylock, Eck, Hafferman, Regan, Ryan, Thomas.
Total 6

Excused: Johnson.
Total 1

Absent or not voting: S. Brown, Etchart, O'Hara.
Total 3

LOCAL GOVERNMENT (McCallum, Chairman):
SB 116, do not pass.

Thereupon, the Adverse Committee Report was adopted by the following roll call vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, Conover, Crippen, Dover, Eck, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Hammond, Hazelbaker, Healy, Jacobson, Keating, Kolstad, Lee, Manley, Manning, McCallum, Nelson, Norman, Ochsner, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Mr. President.
Total 41

Noes: B. Brown, Elliott, Halligan, Himsl, Mazurek, Van Valkenburg.
Total 6

Excused: Johnson.
Total 1

Absent or not voting: S. Brown, O'Hara.
Total 2

TAXATION (Goodover, Chairman):
SB 148, do not pass.

Thereupon, the Adverse Committee Report was adopted by the following roll call vote:

Ayes: Aklestad, Berg, Blaylock, Boylan, B. Brown, Conover, Crippen, Dover, Eck, Elliott, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hazelbaker, Healy, Himsl, Jacobson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, Nelson, Norman, Ochsner, Olson, Ryan,

Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 42

Noes: Anderson, Etchart, Hammond, Regan.
Total 4

Excused: Johnson.
Total 1

Absent or not voting: S. Brown, McCallum, O'Hara.
Total 3

JUDICIARY (Anderson, Chairman):
SJR 4, do not pass.

Thereupon, the Adverse Committee Report was adopted by the following roll call vote:

Ayes: Aklestad, Berg, Blaylock, B. Brown, S. Brown, Conover, Crippen, Eck, Goodover, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Keating, Kolstad, Manning, Mazurek, Nelson, Norman, Ochsner, Olson, Regan, Severson, Smith, Stimatz, Story, Thomas, Towe, Van Valkenburg.
Total 33

Noes: Boylan, Dover, Elliott, Etchart, Galt, Graham, Hafferman, Lee, Manley, O'Hara, Ryan, Tveit, Mr. President.
Total 13

Excused: Johnson.
Total 1

Absent or not voting: Anderson, McCallum, Stephens.
Total 3

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following House Bills were on 2/4/81, passed and transmitted to the Senate for concurrence:

House Bill No. 183, introduced by Fabrega

House Bill No. 315, introduced by Gould

House Bill No. 317, introduced by Gould

House Bill No. 331, introduced by Kanduch

House Bill No. 335, introduced by Kanduch

House Bill No. 341, introduced by Bardanouve

House Bill No. 342, introduced by Moore

House Bill No. 343, introduced by Harp

House Bill No. 344, introduced by Ellerd

House Bill No. 379, introduced by Hemstad

House Bill No. 462, introduced by Seifert

MOTIONS

Upon motion of Senator Hager, duly carried, that Senate Bill No. 122 be taken from Second Reading this Legislative Day and rereferred to the Committee on Education and Cultural Resources.

Senator Hafferman moved that the Senate reconsider its action taken on the adoption of an Adverse Committee Report on Senate Joint Resolution No. 4 this Legislative Day and that it be printed and placed on Second Reading. Motion carried by the following vote:

Ayes: Aklestad, Anderson, Boylan, Dover, Etchart, Galt, Goodover, Hafferman, Hammond, Hazelbaker, Healy, Keating, Kolstad, Lee, Manley, McCallum, Nelson, O'Hara, Olson, Ryan, Severson, Smith, Stephens, Stimatz, Story, Tveit, Mr. President.
Total 27

Noes: Berg, Blaylock, B. Brown, S. Brown, Conover, Crippen, Eck, Graham, Haffey, Hager, Halligan, Himsl, Jacobson, Mazurek, Norman, Ochsner, Regan, Thomas, Towe, Van Valkenburg.
Total 20

Excused: Johnson.
Total 1

Absent or not voting: Elliott, Manning.
Total 2

FIRST READING OF BILLS

The following Senate bills were introduced, read first time and referred to committees:

SB 366, introduced by Mazurek, (By Request of the Department of Professional and Occupational Licensing). Referred to Committee on Public Health, Welfare and Safety.
SB 367, introduced by Keating, Manley, Galt, Hammond, Eck. Referred to Committee on Natural Resources.
SB 368, introduced by Elliott. Referred to Committee on Local Government.
SB 369, introduced by Ochsner. Referred to Committee on Judiciary.
SB 370, introduced by M. Anderson, S. Brown. Referred to Committee on Business and Industry.
SB 371, introduced by Haffey, Menahan, Berg, S. Brown, Mazurek, Ryan. Referred to Committee on State Administration.
SB 372, introduced by Johnson, Dover. Referred to Committee on Taxation.
SB 373, introduced by Norman, (By Request of the Office of the Governor). Referred to Committee on Finance and Claims.
SB 374, introduced by Berg, Himsl, Olson, (By Request of the Department of Professional and Occupational Licensing). Referred to Committee on Public Health, Welfare and Safety.
SB 375, introduced by J. O'Hara. Referred to Committee on Local Government.

The following Senate Joint Resolutions were introduced, read first time and referred to committees:

SJR 11, introduced by B. Brown, McCallum, Manley, Kanduch, Mueller, Daily, Phillips, Jacobsen, R. Manning, Harrington, Shelden, Ernst, Severson, Hafferman, Turnage, Elliott, Himsl, Van Valkenburg, Norman, Eck, Johnson, Sivertsen, M. Anderson, Hanson, Ryan, Winslow, Hannah, Wallin, Galt, Briggs, Schultz, Stobie. Referred to Committee on Natural Resources.
SJR 12, introduced by B. Brown, Blaylock. Referred to Committee on Education.

The following House bills were introduced, read first time and referred to committees:

HB 183, introduced by Fabrega, Regan, Goodover, Meyer, Menahan, R. Manning, Pavlovich, Hemstad. Referred to Committee on Business and Industry.
HB 315, introduced by Gould, (By Request of the Department of Institutions). Referred to Committee on Judiciary.
HB 317, introduced by Gould, (By Request of the Department of Institutions). Referred to Committee on Judiciary.
HB 331, introduced by Kanduch, Daily, Seifert, Pavlovich, (By Request of the Department of Highways). Referred to Committee on Highways and Transportation.
HB 335, introduced by Kanduch, D. Brown, Conroy, Pavlovich, Manuel, Jacobsen, Daily. Referred to Committee on Judiciary.
HB 341, introduced by Bardanouve, (By Request of the Department of Administration). Referred to Committee on Finance and Claims.
HB 342, introduced by Moore, Stephens. Referred to Committee on State Administration.
HB 343, introduced by Harp, Dussault, Vinger, B. Brown. Referred to Committee on Taxation.
HB 344, introduced by Ellerd, (By Request of the Department of Labor and Industry). Referred to Committee on Labor and Employment Relations.
HB 379, introduced by Hemstad, Smith, (By Request of the State Auditor). Referred to Committee on Judiciary.
HB 462, introduced by Seifert, Moore. Referred to Committee on Taxation.

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Blaylock in the Chair.

Senate resumed. President Pro Tempore Kolstad in the Chair.

Mr. President Pro Tempore: We, your Committee of the Whole, having had under consideration business on Second Reading, recommend as follows:

At the request of Senator Hafferman, and without objection, Senate Bill No. 24 was placed at the bottom of the board.

That Senate Bill No. 47 be amended as follows:

1. Title, line 7.
Following:"TAXATION"
Insert: "AND PROVIDING AN APPLICABILITY AND IMMEDIATE EFFECTIVE DATE"

2. Page 3.
Following: line 10
Insert: "Section 3. Applicability. This act applies to all taxes assessed after December 31, 1980.

Section 4. Effective date. This act is effective on passage and approval."

Amendment passed by the following vote:

Ayes: Aklestad, Anderson, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Ryan, Severson, Smith.

Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 47

Noes: Berg, Regan.
Total 2

Excused: Johnson.
Total 1

Absent or not voting: None.
Total 0

That Senate Bill No. 47, as amended, do pass by the following vote:

Ayes: Aklestad, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Healy, Jacobson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 41

Noes: Berg, Hazelbaker, Himsl, Regan.
Total 4

Excused: Johnson.
Total 1

Absent or not voting: Anderson, Blaylock, Etchart, Ryan.
Total 4

That Senate Bill No. 48 do pass by the following vote:

Ayes: Berg, Boylan, B. Brown, S. Brown, Conover, Eck, Elliott, Galt, Graham, Hafferman, Haffey, Halligan, Hazelbaker, Healy, Himsl, Jacobson, Keating, Manning, Mazurek, Norman, Regan, Severson, Stimatz, Story, Thomas, Towe, Van Valkenburg.
Total 27

Noes: Aklestad, Anderson, Blaylock, Crippen, Dover, Etchart, Goodover, Hager, Hammond, Kolstad, Lee, Manley, McCallum, Nelson, Ochsner, O'Hara, Olson, Smith, Stephens, Tveit, Mr. President.
Total 21

Excused: Johnson.
Total 1

Absent or not voting: Ryan.
Total 1

That Senate Bill No. 77 do pass by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Johnson.
Total 1

Absent or not voting: None.
Total 0

That Senate Bill No. 80 be amended as follows:

1. Page 5, line 10.
Following: "clay,"
Insert: "peat,"

Amendment passed by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Johnson.
Total 1

Absent or not voting: None.
Total 0

That Senate Bill No. 80, as amended, do pass by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Johnson.
Total 1

Absent or not voting: None.
Total 0

That Senate Bill No. 115 do pass by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Towe, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Johnson.
Total 1

Absent or not voting: None.
Total 0

That Senate Bill No. 125 do pass by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Johnson.
Total 1

Absent or not voting: None.
Total 0

That Senate Bill No. 146 do pass by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Johnson.
Total 1

Absent or not voting: None.
Total 0

That Senate Bill No. 165 do pass by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Johnson.
Total 1

Absent or not voting: None.

Total 0

That Senate Bill No. 189 do pass by the following vote:

Ayes: Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Eck, Elliott, Hafferman, Haffey, Hager, Halligan, Healy, Himsl, Jacobson, Lee, Manley, Mazurek, Norman, Olson, Regan, Ryan, Severson, Stimatz, Thomas, Towe, Van Valkenburg.
Total 28

Noes: Aklestad, Anderson, Dover, Etchart, Galt, Goodover, Graham, Hammond, Hazelbaker, Keating, Kolstad, Manning, McCallum, Nelson, Ochsner, O'Hara, Smith, Stephens, Story, Tveit, Mr. President.
Total 21

Excused: Johnson.
Total 1

Absent or not voting: None.
Total 0

That Senate Bill No. 233 do pass by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Johnson.
Total 1

Absent or not voting: None.
Total 0

That Senate Bill No. 264 do pass by the following vote:

Ayes: Anderson, Berg, Blaylock, B. Brown, S. Brown, Conover, Crippen, Eck, Graham, Hafferman, Haffey, Halligan, Healy, Jacobson, Keating, Manley, Mazurek, McCallum, Norman, Ochsner, Regan, Ryan, Severson, Towe, Van Valkenburg.
Total 25

Noes: Aklestad, Boylan, Dover, Elliott, Etchart, Galt, Goodover, Hager, Hammond, Hazelbaker, Himsl, Kolstad, Lee, Nelson, Olson, Smith, Stephens, Story, Thomas, Tveit.
Total 20

Excused: Johnson.
Total 1

Absent or not voting: Manning, O'Hara, Stimatz, Mr. President.
Total 4

That House Bill No. 52 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham,

Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Johnson.
Total 1

Absent or not voting: None.
Total 0

That House Bill No. 76 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hazelbaker, Healy, Himsl, Jacobson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 47

Noes: Hafferman, Hammond.
Total 2

Excused: Johnson.
Total 1

Absent or not voting: None.
Total 0

That House Bill No. 94 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Keating, Kolstad, Lee, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 46

Noes: Dover, Manley, Ryan.
Total 3

Excused: Johnson.
Total 1

Absent or not voting: None.
Total 0

That House Joint Resolution No. 8 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.

Total 49

Noes: None.
Total 0

Excused: Johnson.
Total 1

Absent or not voting: None.
Total 0

That Senate Bill No. 24 do pass by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Johnson.
Total 1

Absent or not voting: None.
Total 0

That the Committee rise and report. (Blaylock, Chairman)

Upon motion of Senator Blaylock, duly carried, the foregoing Report of the Committee of the Whole was adopted.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

Senate Bill No. 262 was passed by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, S. Brown, Conover, Crippen, Dover, Eck, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Keating, Kolstad, Lee, Manley, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 44

Noes: Elliott.
Total 1

Excused: Johnson.
Total 1

Absent or not voting: B. Brown, Manning, Stimatz, Story.
Total 4

Senate Bill No. 281 was passed by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson,

Keating, Kolstad, Lee, Manley, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Stephens, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 44

Noes: Goodover, Smith.
Total 2

Excused: Johnson.
Total 1

Absent or not voting: Manning, Stimatz, Story.
Total 3

At the request of Senator Etchart, and without objection, the Senate reverted to Order of Business No. 6.

MOTIONS

Upon motion of Senator Etchart, duly carried, that Senate Bill No. 123 be taken from Second Reading on February 6, 1981 and be rescheduled for Second Reading on Monday, February 9, 1981.

Upon motion of Senator Stephens, duly carried, the Senate adjourned at 6:02 p.m. until Friday, February 6, at the hour of 3:00 p.m.

ALLEN C. KOLSTAD
President Pro Tempore of the Senate

JOHN W. LARSON
Secretary of the Senate

TWENTY-NINTH LEGISLATIVE DAY

Helena, Montana
February 6, 1981

Senate Chambers
Capitol Building

Senate convened at 3:00 p.m., President Turnage presiding. Invocation by the Chaplain. Pledge of Allegiance to the Flag.

Roll call. All members present except Johnson, Keating, excused. Quorum present.

Mr. President: We, your Committee on Bills and Journal, having examined the daily journal for the Twenty-eighth Legislative Day, find the same to be correct.

O'HARA, Chairman

U.S. Representative Pat Williams addressed the Senate.

REPORTS OF STANDING COMMITTEES

PRINTING (O'Hara, Chairman):
Correctly printed and placed on the members' desks - SB 154, SB 310, SJR 4. Report adopted.

BILLS (O'Hara, Chairman):
Correctly engrossed - SB 24, SB 48, SB 77, SB 80, SB 115, SB 125, SB 146, SB 165, SB 189, SB 233, SB 264. Report adopted.

COMMITTEE ON COMMITTEES (Galt, Chairman):
Does hereby appoint to the SELECT COMMITTEE TO RESOLVE QUESTIONS RELATING TO VALUATION OF COMMERCIAL AND RESIDENTIAL PROPERTY:

Pat Goodover
Bill Norman

Do pass. Report adopted.

HIGHWAYS AND TRANSPORTATION (Etchart, Chairman):
SB 304, do pass. Report adopted.

JUDICIARY (Anderson, Chairman):
SB 286, introduced bill, be amended as follows:

1. Title, line 7.
Strike: "RELEASED"
Insert: "RELEASE"

2. Page 2, line 15.
Following: "under"
Strike: "[section 3(1)]"
Insert: "46-23-411"

3. Page 3, line 22.
Following: "a"
Insert: "work program or a"

4. Page 3, lines 23 and 24.
Following: "program"
Strike: ", but not a work program"

5. Page 4, line 8.
Following: "implement"

Strike: "["

6. Page 4, line 9.
Strike: "act]"
Insert: "part"

7. Page 4, line 18.
Following: line 17
Strike: "15"
Insert: "18"

8. Page 13, line 21.
Following: "46-23-406"
Strike: "through 46-23-410,"
Insert: ","
Following: "46-23-413 through"
Insert: "46-23-415,"

And, as so amended, do pass. Report adopted.

SB 305, do pass. Report adopted.
SB 306, do pass. Report adopted.
SB 308, do pass. Report adopted.

SB 319, introduced bill, be amended as follows:

1. Line 19.
Following: "changes."
Insert: "However, nothing in this section prohibits the governor from submitting his recommendations for funding for the legislative and judicial branches of government."

And, as so amended, do pass. Report adopted.

NATURAL RESOURCES (Dover, Chairman):
SB 16, introduced bill, be amended as follows:

1. Title, line 4.
Following: "REQUIRE"
Strike: "MINERAL"
Insert: "OIL AND GAS"

2. Title, line 5.
Following: "DEVELOPERS"
Insert: "OR OPERATORS"

3. Title, line 6.
Following: "REQUIRE"
Strike: "MINERAL"
Insert: "OIL AND GAS"

4. Title, line 7.
Following: "DEVELOPERS"
Insert: "AND OPERATORS"

5. Title, line 8.
Following: "DRILLING"
Insert: "AND PRODUCTION"

6. Title, line 9.
Following: "CONDITIONS"
Insert: "AND PROVIDING AN EFFECTIVE DATE"

7. Page 1, lines 19 through 21.

Following: "to" on line 19
Strike: "exercise the power of the state to protect the public welfare of Montana, which is largely dependent on agriculture, and to"

8. Page 2, line 3.
Following: "estate"
Strike: "and other persons"

9. Page 2, line 4.
Following: "for"
Strike: "injury to their persons or"
Insert: "use of their"

10. Page 2, line 10.
Following: "grass"
Strike: "or crop"
Insert: ", crops or trees"

11. Page 2, lines 11 and 12.
Following: "land"
Strike: "whether or not the grass or crop is to be sold commercially, and the production of any"
Insert: "or"

12. Page 2, line 12.
Following: "animals"
Strike: ", whether or not the animals are to be sold commercially."
Insert: "with commercial value."

13. Page 2, lines 14 and 15.
Strike: subsection (2) in its entirety
Renumber: subsequent subsections

14. Page 2, line 16.
Following: "(3)"
Strike: "'Drilling'"
Insert: "'Oil and gas'"

15. Page 2, line 21.
Following: "(4)"
Strike: "'Mineral'"
Insert: "'Oil and gas'"

16. Page 2, line 21.
Following: "'developer'"
Insert: "'or operator'"

17. Page 2, line 22.
Following: "the"
Strike: "mineral estate or"
Insert: "oil and gas"

18. Page 2, line 22.
Following: "extracting"
Strike: "or using the minerals for nonagricultural purposes"
Insert: "oil and gas"

19. Page 2, line 24.
Following: "(5)"
Strike: "'Mineral'"
Insert: "'Oil and gas'"

20. Page 2, line 25.

Following: "the"
Strike: "minerals"
Insert: "oil and gas"

21. Page 3, line 2.
Strike: subsection (6) in its entirety
Renumber: subsequent subsections

22. Page 3, lines 3 and 4.
Strike: subsection (7) in its entirety
Renumber: subsequent subsection

23. Page 3, line 5.
Following: "who"
Strike: "has possession of"
Insert: "holds record title to or has a purchaser's interest in"

24. Page 3, line 6.
Following: "land"
Strike: "either as an owner or as a tenant"

25. Page 3, line 10.
Following: "the"
Strike: "mineral"
Insert: "oil and gas"

26. Page 3, line 11.
Following: "developer"
Insert: "or operator"

27. Page 3, lines 18 through 21.
Strike: "Included with this notice shall be a form prepared by the board advising the surface owner of his rights and options under [this act]."

28. Page 3, line 23.
Strike: "mineral"
Insert: "oil and gas"

29. Page 3, line 23.
Following: "developer"
Insert: "or operator"

30. Page 3, line 23.
Following: "money"
Insert: "or other compensation"

31. Page 4, line 4.
Following: "the"
Strike: "mineral"
Insert: "oil and gas"

32. Page 4, line 4.
Following: "developer"
Insert: "or operator"

33. Page 4, line 11.
Following: "operations"
Insert: "and production"

34. Page 4, line 16.
Following: "Damages"
Strike: "for negligence and nuisance"

35. Page 4, line 17.
Strike: "mineral"
Insert: "oil and gas"

36. Page 4, line 17.
Following: "developer"
Insert: "or operator"

37. Page 4, lines 17 and 18.
Following: "to" on line 17
Strike: "person or"

38. Page 4, line 19.
Following: "by the"
Strike: "mineral"
Insert: "oil and gas"

39. Page 4, line 19.
Following: "developer"
Insert: "or operator"

40. Page 4, line 19.
Following: "The"
Strike: "mineral"
Insert: "oil and gas"

41. Page 4, line 20.
Following: "developer"
Insert: "or operator"

42. Page 4, line 20.
Following: "is"
Strike: "also"

43. Page 4, line 20.
Following: "for"
Strike: "all"

44. Page 4, line 20.
Following: "damages to"
Strike: "person or"

45. Page 4, line 21.
Following: "personal,"
Strike: "resulting from a nuisance"

46. Page 4, line 22.
Following: "operations"
Insert: "and production."

47. Page 4, line 23.
Following: "injury"
Insert: "to property"

48. Page 4, line 24.
Following: "a"
Strike: "person"
Insert: "surface owner"

49. Page 4, line 24.
Following: "shall"
Strike: "notify"
Insert: "give written notice to"

50. Page 4, line 25.
Strike: "mineral"
Insert: "oil and gas"

51. Page 4, line 25.
Following: "developer"
Insert: "or operator"

52. Page 4, line 25.
Following: "the"
Strike: "person"
Insert: "surface owner"

53. Page 5, line 5.
Following: "the"
Strike: "mineral"
Insert: "oil and gas"

54. Page 5, line 5.
Following: "developer"
Insert: "or operator"

55. Page 5, line 8.
Following: "The"
Strike: "person"
Insert: "surface owner"

56. Page 5, line 10.
Following: "legal action"
Strike: "— fees and costs"

57. Page 5, line 12.
Following: "the"
Strike: "mineral"
Insert: "oil and gas"

58. Page 5, line 12.
Following: "developer"
Insert: "or operator"

59. Page 5, lines 15 through 19.
Following: "sustained."
Strike: "If the amount of compensation awarded by the court is greater than that which had been offered by the mineral developer, the court shall award the person seeking compensation reasonable attorney fees and any cost assessed by the court."

60. Page 6, line 3.
Insert: "Section 11. Effective date. This act is effective on June 1, 1981."

And, as so amended, do pass. Report adopted.

SJR 11, introduced bill, be amended as follows:

1. Page 1, line 11.
Following: "of"
Insert: "tree mortality due to insect infestations and"

And, as so amended, do pass. Report adopted.

HIGHWAYS AND TRANSPORTATION (Etchart, Chairman):
HB 253, be concurred in. Report adopted.

HB 255, introduced bill, be amended as follows:

1. Page 1, line 22.
Following: "left"
Insert: ", other than when passing,"

2. Page 2, line 2.
Following: "left"
Insert: ", other than when passing,"

And, as so amended, be concurred in. Report adopted.

MOTIONS

Senator McCallum moved that the Senate reconsider its action taken on Second Reading on the 28th Legislative Day on Senate Bill No. 48. Motion carried by the following vote:

Ayes: Aklestad, Anderson, B. Brown, Crippen, Dover, Elliott, Etchart, Galt, Goodover, Hafferman, Hager, Hammond, Hazelbaker, Himsl, Johnson, Keating, Kolstad, Lee, Manley, McCallum, Nelson, Ochsner, O'Hara, Olson, Ryan, Severson, Smith, Stephens, Story, Thomas, Tveit, Van Valkenburg, Mr. President.
Total 33

Noes: Berg, Blaylock, Boylan, S. Brown, Conover, Eck, Graham, Haffey, Halligan, Healy, Jacobson, Manning, Mazurek, Norman, Regan, Stimatz, Towe.
Total 17

Excused: None.
Total 0

Absent or not voting: None.
Total 0

(Including the following pairs: Keating, aye - Towe, no; Johnson, aye - Regan, no.)

Senator McCallum moved that Senate Bill No. 48 be rereferred to the Committee on Local Government. Unanimously passed.

FIRST READING OF BILLS

The following Senate bills were introduced, read first time and referred to committees:

SB 376, introduced by S. Brown. Referred to Committee on Natural Resources.
SB 377, introduced by Berg, (By Request of the Office of the Governor). Referred to Committee on Finance and Claims.
SB 378, introduced by Halligan. Referred to Committee on Labor and Employment Relations.
SB 379, introduced by Thomas. Referred to Committee on Local Government.
SB 380, introduced by Ryan, Pavlovich, Hazelbaker, Manley, Meyer, Mazurek, Thomas, Van Valkenburg. Referred to Committee on Business and Industry.
SB 381, introduced by Stephens, Turnage, Smith, Kolstad. Referred to Committee on Judiciary.
SB 382, introduced by Turnage, Norman. Referred to Committee on Taxation.
SB 383, introduced by Norman, Turnage. Referred to Committee on Taxation.

The following Senate Joint Resolutions were introduced, read first time and referred to committees:

SJR 13, introduced by S. Brown, McCallum. Referred to Committee on Education and Cultural Resources.

SJR 14, introduced by S. Brown. Referred to Committee on Natural Resources.

SJR 15, introduced by Haffey, Menahan, Kanduch, Daily, Dozier, Pavlovich, Halligan, Quilici, Jacobson, Regan, Blaylock, Stimatz, Mazurek, Robbins, Norman, R. Manning, Kemmis, Bertelsen, Teague, Harrington, Bennett, Healy. Referred to Committee on State Administration.

SJR 16, introduced by Senate Committee on Agriculture. Referred to Committee on Agriculture, Livestock and Irrigation.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

Senate Bill No. 97 was passed by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Johnson, Keating.
Total 2

Absent or not voting: None.
Total 0

Senate Bill No. 176 was passed by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 47

Noes: None.
Total 0

Excused: Johnson, Keating.
Total 2

Absent or not voting: Halligan.
Total 1

Senate Bill No. 230 was passed by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham,

Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Johnson, Keating.
Total 2

Absent or not voting: None.
Total 0

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Hazelbaker in the Chair.

Senate resumed. President Turnage in the Chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on Second Reading, recommend as follows:

That Senate Joint Resolution No. 7 do pass. Motion failed by the following vote:

Ayes: Anderson, Dover, Elliott, Etchart, Galt, Hammond, Hazelbaker, Kolstad, Lee, McCallum, Nelson, Ochsner, O'Hara, Olson, Ryan, Stephens, Story.
Total 17

Noes: Aklestad, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Eck, Goodover, Graham, Haffey, Hager, Halligan, Healy, Himsl, Jacobson, Manley, Manning, Mazurek, Norman, Regan, Severson, Smith, Stimatz, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 30

Excused: Johnson, Keating.
Total 2

Absent or not voting: Hafferman.
Total 1

That Senate Joint Resolution No. 7 be indefinitely postponed. Motion passed by the following vote:

Ayes: Aklestad, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Eck, Goodover, Graham, Haffey, Hager, Halligan, Hazelbaker, Healy, Himsl, Jacobson, Manning, Mazurek, Norman, Regan, Severson, Stimatz, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 29

Noes: Anderson, Dover, Elliott, Etchart, Galt, Hammond, Kolstad, Lee, Manley, McCallum, Nelson, Ochsner, O'Hara, Olson, Ryan, Smith, Stephens, Story.
Total 18

Excused: Johnson, Keating.
Total 2

Absent or not voting: Hafferman.

Total 1

That Senate Bill No. 30 be amended. Motion failed by the following vote:

Ayes: Berg, Blaylock, S. Brown, Conover, Eck, Hafferman, Haffey, Halligan, Healy, Jacobson, Manning, Mazurek, Norman, Regan, Ryan, Stimatz, Thomas, Towe, Van Valkenburg.
Total 19

Noes: Aklestad, Anderson, Boylan, B. Brown, Crippen, Dover, Elliott, Etchart, Galt, Goodover, Hager, Hammond, Hazelbaker, Himsl, Kolstad, Lee, Manley, McCallum, Nelson, Ochsner, O'Hara, Olson, Severson, Smith, Stephens, Story, Tveit, Mr. President.
Total 28

Excused: Johnson, Keating.
Total 2

Absent or not voting: Graham.
Total 1

That Senate Bill No. 30 do pass by the following vote:

Ayes: Aklestad, Anderson, Boylan, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 45

Noes: Berg, Blaylock.
Total 2

Excused: Johnson, Keating.
Total 2

Absent or not voting: B. Brown.
Total 1

That Senate Bill No. 38 do pass by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Johnson, Keating.
Total 2

Absent or not voting: None.
Total 0

That Senate Bill No. 88 do pass by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham,

Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Johnson, Keating.
Total 2

Absent or not voting: None.
Total 0

That Senate Bill No. 118 do pass by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Johnson, Keating.
Total 2

Absent or not voting: None.
Total 0

That Senate Bill No. 124 do pass by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Johnson, Keating.
Total 2

Absent or not voting: None.
Total 0

That Senate Bill No. 152 do pass by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith,

Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 47

Noes: Elliott.
Total 1

Excused: Johnson, Keating.
Total 2

Absent or not voting: None.
Total 0

That Senate Bill No. 174 do pass by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Johnson, Keating.
Total 2

Absent or not voting: None.
Total 0

That Senate Bill No. 236 do pass by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Johnson, Keating.
Total 2

Absent or not voting: None.
Total 0

That Senate Bill No. 257 do pass by the following vote:

Ayes: Anderson, Berg, Blaylock, S. Brown, Conover, Crippen, Eck, Etchart, Graham, Hafferman, Haffey, Halligan, Hazelbaker, Healy, Jacobson, Manley, Manning, Mazurek, McCallum, Norman, Ochsner, Regan, Severson, Smith, Stephens, Story, Thomas, Towe, Van Valkenburg.
Total 29

Noes: Aklestad, Boylan, B. Brown, Dover, Elliott, Galt, Goodover, Hager, Hammond, Himsl, Kolstad, Lee, Nelson, O'Hara, Olson, Stimatz, Tveit, Mr. President.

Total 18

Excused: Johnson, Keating.
Total 2

Absent or not voting: Ryan.
Total 1

That Senate Bill No. 274 pass consideration. Unanimously passed.

That Senate Bill No. 285 do pass by the following vote:

Ayes: Aklestad, Anderson, Boylan, B. Brown, Conover, Crippen, Dover, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Hammond, Hazelbaker, Healy, Himsl, Kolstad, Lee, Manley, Manning, McCallum, Nelson, Ochsner, O'Hara, Olson, Severson, Smith, Stephens, Story, Thomas, Tveit, Mr. President.
Total 35

Noes: Berg, Blaylock, S. Brown, Eck, Halligan, Jacobson, Mazurek, Norman, Regan, Stimatz, Towe, Van Valkenburg.
Total 12

Excused: Johnson, Keating.
Total 2

Absent or not voting: Ryan.
Total 1

That Senate Bill No. 296 do pass by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Johnson, Keating.
Total 2

Absent or not voting: None.
Total 0

That Senate Bill No. 321 do pass by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Johnson, Keating.

Total 2

Absent or not voting: None.
Total 0

That House Bill No. 47 pass consideration. Unanimously passed.

That House Bill No. 149 be concurred in by the following vote:

Ayes: Berg, Blaylock, B. Brown, S. Brown, Crippen, Eck, Graham, Hafferman, Haffey, Hager, Halligan, Healy, Jacobson, Manley, Manning, Mazurek, McCallum, Norman, Olson, Regan, Ryan, Severson, Stimatz, Story, Thomas, Towe, Van Valkenburg.
Total 27

Noes: Aklestad, Anderson, Boylan, Conover, Dover, Elliott, Etchart, Galt, Goodover, Hammond, Hazelbaker, Himsl, Kolstad, Lee, Nelson, Ochsner, Smith, Stephens, Tveit, Mr. President.
Total 20

Excused: Johnson, Keating.
Total 2

Absent or not voting: O'Hara.
Total 1

That the Committee rise and report. (Hazelbaker, Chairman)

Upon motion of Senator Hazelbaker, duly carried, the foregoing Report of the Committee of the Whole was adopted.

At the request of the President, and without objection, the Senate reverted to Order of Business No. 2.

REPORTS OF STANDING COMMITTEES

PRINTING (O'Hara, Chairman):
Correctly printed and placed on the members' desks - SB 161. Report adopted.

The Senate will please take note that the President did, at the hour of 3:15 p.m., 2/6/81, sign the following bill:
HB 49.

Jean A. Turnage
President

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following House Joint Resolution was on 2/6/81, passed and transmitted to the Senate for concurrence:

House Joint Resolution No. 15, introduced by O'Connell

FIRST READING OF BILLS

The following House Joint Resolution was introduced, read first time and referred to committee:

HJR 15, introduced by O'Connell, Pavlovich, Spilker, Ellerd, Gould, D. O'Hara, Winslow, Lee, Hafferman, Feda, Pistoria, Wallin, Gould, Vinger, Asay, Cozzens, Kitselman, Kolstad, Andreason, Hannah, Briggs, Ryan, Thomas, Curtiss, Jensen, Stobie, Switzer, Sivertsen, Teague. Referred to Committee on Public Health, Welfare and Safety.

Upon motion of Senator Stephens, duly carried, the Senate adjourned at 5:51 p.m. until Saturday, February 7, at the hour of 9:00 a.m.

JEAN A. TURNAGE
President of the Senate

JOHN W. LARSON
Secretary of the Senate

THIRTIETH LEGISLATIVE DAY

Helena, Montana
February 7, 1981

Senate Chambers
Capitol Building

Senate convened at 9:00 a.m., President Turnage presiding. Invocation by the Chaplain. Pledge of Allegiance to the Flag.

Roll call. All members present except Johnson, Keating, excused. Quorum present.

Mr. President: We, your Committee on Bills and Journal, having examined the daily journal for the Twenty-ninth Legislative Day, find the same to be correct.

O'HARA, Chairman

REPORTS OF STANDING COMMITTEES

PRINTING (O'Hara, Chairman):
Correctly printed and placed on the members' desks - SB 304, SB 305, SB 306, SB 308. Report adopted.

BILLS (O'Hara, Chairman):
Correctly engrossed - SB 38, SB 47, SB 285. Report adopted.

AGRICULTURE, LIVESTOCK AND IRRIGATION (Galt, Chairman):
SB 156, introduced bill, be amended as follows:

1. Page 1, line 24.
Following: "section"
Strike: "2"
Insert: "3"

2. Page 2.
Following: line 2
Insert: "(3) "Department" means the department of livestock."
Renumber: subsequent subsections

3. Page 2, line 10.
Following: "production"
Strike: "or"
Insert: "of"

4. Page 4, lines 11 and 12.
Following: "department"
Strike: "of agriculture"

5. Page 5, lines 21 through 25.
Following: "sued;" on line 21
Strike: remainder of line 21 through "compensation;" on line 25

6. Page 6, lines 3 through 7.
Following: "state;" on line 3
Strike: line 3 through "[section 7];" on line 7

7. Page 7, line 1.
Following: "department"
Strike: "of agriculture"

8. Page 8, line 23.
Following: "department"
Strike: "of agriculture"

9. Page 9, line 1.
Strike: "committee"

10. Page 9, lines 5 and 6.
Following: "department" on line 5
Strike: lines 5 and 6 in their entirety
Insert: "for the services it provides upon request of the department or pursuant to 2-15-121. However, the costs charged must have a substantial relationship to the cost of the services provided."

And, as so amended, do pass. Report adopted.

The Committee adopted the following Statement of Intent:

STATEMENT OF INTENT: Senate Bill No. 156

A statement of intent is required for this bill because it grants rulemaking authority to the Montana dairy marketing committee for the administration of this act. It is the intent of the legislature that the committee adopt rules relating to the awarding of contracts and research grants, and establish priorities, one of which should be nutritional education. The committee should also prescribe the form for applications for reports and refund applications. The legislature intends that the rules adopted by the committee be primarily procedural in nature and govern the workings of the committee.

First adopted by the Senate Agriculture, Livestock and Irrigation Committee on the 6th day of February, 1981.

Report adopted.

SB 166, introduced bill, be amended as follows:

1. Title, line 7.
Following: "MCA"
Insert: "; REPEALING SECTION 81-8-613, MCA; AND PROVIDING AN EFFECTIVE DATE"

2. Page 2, lines 15 and 16.
Following: "department"
Strike: remainder of lines 15 and 16 in their entirety
Insert: "for the services it provides upon request of the department or pursuant to 2-15-121. However, the costs charged must have a substantial relationship to the cost of the services provided."

3. Page 2.
Following: line 16
Insert: "Section 4. Repealer. Section 81-8-613, MCA, is repealed.

Section 5. Effective date. This act is effective on July 1, 1981."

And, as so amended, do pass. Report adopted.

JUDICIARY (Anderson, Chairman):
SB 182, introduced bill, be amended as follows:

1. Title, line 5.
Following: "AMENDING"
Strike: "SECTION"
Insert: "SECTIONS 37-3-103, 37-8-103, AND"

2. Page 2, line 14.
Following: "warden"

Insert: "by the warden or another person who is trained to administer the injection. The person administering the injection is not required to be a physician, registered nurse, or licensed practical nurse, licensed or registered under the laws of this or any other state. The warden shall allow the execution to be observed by such witnesses as the condemned person may choose, not to exceed five in number"

3. Page 2.
Following: line 17
Insert: "Section 2. Section 37-3-103, MCA, is amended to read:

"37-3-103. Exemptions from licensing requirements. (1) This chapter does not prohibit or require a license with respect to any of the following acts:

(a) the gratuitous rendering of services in cases of emergency or catastrophe;

(b) the rendering of services in this state by a physician lawfully practicing medicine in another state or territory. However, if the physician does not limit the services to an occasional case or if he has any established or regularly used hospital connections in this state or maintains or is provided with, for his regular use, an office or other place for rendering the services, he must possess a license to practice medicine in this state.

(c) the practice of dentistry under the conditions and limitations defined by the laws of this state;

(d) the practice of podiatry under the conditions and limitations defined by the laws of this state;

(e) the practice of optometry under the conditions and limitations defined by the laws of this state;

(f) the practice of osteopathy under the conditions and limitations defined in chapter 5 of this title for those doctors of osteopathy who do not receive a physician's certificate under this chapter;

(g) the practice of chiropractic under the conditions and limitations defined by the laws of this state;

(h) the practice of Christian Science, with or without compensation, and ritual circumcisions by rabbis;

(i) the performance by commissioned medical officers of the armed forces of the United States, of the United States public health service, or of the United States veterans administration of their lawful duties in this state as officers;

(j) the rendering of nursing services by registered or other nurses in the lawful discharge of their duties as nurses or of midwife services by registered nurse-midwives under the supervision of a licensed physician;

(k) the rendering of services by interns or resident physicians in a hospital or clinic in which they are training, subject to the conditions and limitations of this chapter. The board may require a resident physician to be licensed if he otherwise engages in the practice of medicine in the state of Montana.

(l) the rendering of services by a physical therapist, technician, or other paramedical specialist under the personal and responsible

direction and supervision of a person licensed under the laws of this state to practice medicine, but this exemption does not extend the scope of a paramedical specialist; ~~and~~

(m) the practice by persons licensed under the laws of this state to practice a limited field of the healing arts, and not specifically designated, under the conditions and limitations defined by law~~.~~*; and*

(n) the execution of a death sentence pursuant to 46-19-103(4).

(2) Licensees referred to in subsection (1) of this section who are licensed to practice a limited field of healing arts shall confine themselves to the field for which they are licensed or registered and to the scope of their respective licenses and may not use the title "M.D." or any word or abbreviation to indicate or to induce others to believe that they are engaged in the diagnosis or treatment of persons afflicted with disease, injury, or defect of body or mind except to the extent and under the conditions expressly provided by the law under which they are licensed."

Section 3. Section 37-8-103, MCA, is amended to read:

"37-8-103. Exemptions — limitations on authority conferred. (1) No provisions of this law may be construed as prohibiting:

(a) gratuitous nursing by friends or members of the family;

(b) incidental care of the sick by domestic servants or persons primarily employed as housekeepers;

(c) nursing assistance in the case of an emergency;

(d) the practice of nursing by students enrolled in approved schools of nursing or approved courses or by the graduates of such schools or courses pending the results of the first licensing examination scheduled by the board following their graduation;

(e) the practice of nursing in this state by any legally qualified nurse of another state whose engagement requires the nurse to accompany and care for a patient temporarily residing in this state during the period of one such engagement not to exceed 6 months in length, provided that person does not represent or hold herself or himself out to be a nurse licensed to practice in this state;

(f) the practice of any legally qualified nurse of another state who is employed by the United States government or any bureau, division, or agency thereof while in the discharge of that nurse's official duties;

(g) nursing or care of the sick, with or without compensation, when done in connection with the practice of the religious tenets of any well-established religion or denomination by adherents thereof;

(h) nursing or care of a minor who is in the care of a licensed foster parent, to the same extent such care may be provided by a parent or guardian~~.~~*;*

(i) the execution of a death sentence pursuant to 46-19-103(4).

(2) This chapter may not be construed as conferring any authority to practice medicine, surgery, or any combination thereof; to confer any authority to practice any of the healing arts prescribed by law to be practiced in the state of Montana; or to permit any person to

undertake the treatment of disease by any of the methods employed in those arts unless the licensee has been qualified under the applicable law or laws licensing the practice of those professions or healing arts in the state of Montana.""

Renumber: all subsequent sections

And, as so amended, do pass. Report adopted.

SB 316, introduced bill, be amended as follows:

1. Title, line 7.
Following: line 6
Strike: "SECTION"
Insert: "~~SECTIONS 72-16-503 AND~~"
Following: "7-4-2613"
Insert: "72-16-503"

2. Page 3.
Following: line 17
Insert: "Section 2. Section 72-16-503 is amended to read:

"72-16-503. Additional filings required when real property involved and no representative — release of lien. (1) If an interest in real property is involved under 72-16-502, the applicant shall ~~file~~ *record* with the clerk and recorder of each county in which the real property or any part thereof is located~~:~~

~~(a) a certified copy of the application referred to in subsection (2)(b) of 72-16-502;~~

~~(b) the certificate from the department of revenue determining inheritance tax, if any;~~

~~(c) the receipt from the county treasurer showing the inheritance tax has been paid~~ a document containing those matters required by 7-4-2613(3).

(2) The ~~filing~~ *recording* of the documents under subsection (1) constitutes release of any lien for inheritance taxes.""

And, as so amended, do pass. Report adopted.

LOCAL GOVERNMENT (McCallum, Chairman):
SB 256, introduced bill, be amended as follows:

1. Title, line 6.
Following: "AMENDING"
Strike: "SECTION"
Insert: "SECTIONS 7-2-4101 AND"

2. Page 1.
Following: line 9
Insert: "Section 1. Section 7-2-4101, MCA, is amended to read:

"7-2-4101. Petition to organize municipalities. (1) Whenever the inhabitants of any part of a county desire to be organized into a city or town, they may apply by petition in writing, signed by not less than two-thirds of the registered electors but not more than 300 such electors, who are residents of the state and residing within the limits of the proposed incorporation, to the board of county commissioners of the county in which the territory is situated.

(2) (a) The petition must describe the limits of the proposed city or town and of the several wards thereof, each of which shall contain ~~150~~ *50* or more registered electors and must not exceed 1 square mile for each 500 inhabitants resident therein.

(b) The petitioners must annex to the petition a map of the proposed territory to be incorporated and state the name of the city or town.

(3) The petition and map must be filed in the office of the election administrator.""

Renumber: all subsequent sections

And, as so amended, do pass. Report adopted.

SB 302, do pass. Report adopted.
SB 303, do pass. Report adopted.

NATURAL RESOURCES (Dover, Chairman):
SB 244, do pass. Report adopted.
SB 278, do pass. Report adopted.

STATE ADMINISTRATION (Story, Chairman):
SB 155, introduced bill, be amended as follows:

1. Title, line 5 through line 8.
Following: "SYSTEM"
Strike: remainder of line 5 through "INTERMITTENT" on line 8
Insert: "BY REQUIRING CERTAIN EMPLOYEES TO AFFIRMATIVELY EXERCISE THE OPTION TO BECOME MEMBERS AND ELIMINATING THE ONE YEAR RULE FOR CERTAIN STUDENT"

2. Title, line 8 and line 9.
Following: "AMENDING"
Strike: "SECTIONS 19-3-104, 19-3-401, AND"
Insert: "SECTION"

3. Page 1, line 12 through Page 7, line 11.
Following: line 11
Strike: line 12, page 1 through line 11, page 7 in its entirety
Renumber: subsequent sections

4. Page 8, line 8.
Following: "year"
Insert: "who have not filed with the board a written request to become members. A member so excluded from membership by this subsection may later become a member by otherwise becoming an employee or by written request after the initial date of exclusion. If he affirmatively exercises the option and pays the employee contribution plus interest, the contributions of the employer, because of his membership, shall be the same as they would have been had he not been so excluded plus accrued interest on all employer contributions from the date the contributions would have been made to the date of payment"

5. Page 10, line 23.
Following: "writing"
Strike: "within 1 year"

6. Page 11, lines 21 and 22.
Following: "(16)"
Strike: remainder of line 21 and line 22 in its entirety

Insert: "all former members receiving a retirement allowance other than as a beneficiary serving in employment if that employment does not exceed 60 working days in any fiscal year. These former members must be reinstated into membership on the 61st working day in any fiscal year unless they elect to return to membership prior to that day."

And, as so amended, do pass. Report adopted.

SB 218, introduced bill, be amended as follows:

1. Title, line 7.
Following: line 6
Strike: "PHARMACISTS,"
Following: "BARBERS,"
Strike: "COSMETOLOGISTS,"

2. Title, line 8.
Following: "37-3-203,"
Strike: "37-7-104,"

3. Title, line 9.
Following: "37-30-203,"
Strike: "37-31-312,"

4. Page 2, lines 4 through 16.
Following: line 3
Strike: lines 4 through 16 in their entirety
Renumber: subsequent sections

5. Page 5, line 8 through page 6, line 1.
Following: line 7
Strike: line 8 on page 5 through line 1 on page 6 in its entirety
Renumber: subsequent sections

And, as so amended, do pass. Report adopted.

AGRICULTURE, LIVESTOCK AND IRRIGATION (Galt, Chairman):
HB 182, be concurred in. Report adopted.
HB 232, be concurred in. Report adopted.

NATURAL RESOURCES (Dover, Chairman):
SB 205, do not pass.

Thereupon, the Adverse Committee Report was adopted by the following roll call vote:

Ayes: Aklestad, Anderson, Boylan, B. Brown, Crippen, Dover, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Hammond, Hazelbaker, Healy, Himsl, Kolstad, Lee, Manley, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Ryan, Severson, Smith, Stephens, Story, Thomas, Tveit, Mr. President.
Total 35

Noes: Berg, Blaylock, S. Brown, Conover, Eck, Halligan, Jacobson, Mazurek, Regan, Stimatz, Towe, Van Valkenburg.
Total 12

Excused: Johnson, Keating.
Total 2

Absent or not voting: Manning.
Total 1

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following House Bills were on 2/6/81, passed and transmitted to the Senate for concurrence:

House Bill No. 96, introduced by Feda

House Bill No. 195, introduced by Curtiss

House Bill No. 238, introduced by Fabrega

House Bill No. 239, introduced by Fabrega

House Bill No. 247, introduced by Sivertsen

House Bill No. 277, introduced by Seifert

House Bill No. 285, introduced by Fabrega

House Bill No. 390, introduced by Winslow

House Bill No. 421, introduced by Waldron

House Bill No. 273, introduced by Metcalf

MOTIONS

Motion was made by Senator Stephens that Senate Bill No. 257 be taken from the Committee on Bills and rereferred to the Committee on Finance and Claims. Motion carried unanimously.

FIRST READING OF BILLS

The following Senate bills were introduced, read first time and referred to committees:

SB 384, introduced by Hager. Referred to Committee on Taxation.

SB 385, introduced by Boylan, Kanduch. Referred to Committee on State Administration.

SB 386, introduced by Himsl, S. Brown, (By Request of the Legislative Audit Committee). Referred to Committee on Business and Industry.

SB 387, introduced by Himsl, S. Brown, (By Request of the Legislative Audit Committee). Referred to Committee on Business and Industry.

SB 388, introduced by Himsl, S. Brown, (By Request of the Legislative Audit Committee). Referred to Committee on Public Health, Welfare and Safety.

SB 389, introduced by Himsl, S. Brown, (By Request of the Legislative Audit Committee). Referred to Committee on Public Health, Welfare and Safety.

SB 390, introduced by Himsl, S. Brown, (By Request of the Legislative Audit Committee). Referred to Committee on Public Health, Welfare and Safety.

SB 391, introduced by Himsl, S. Brown, (By Request of the Legislative Audit Committee). Referred to Committee on Public Health, Welfare and Safety.

SB 392, introduced by S. Brown, Himsl, (By Request of the Legislative Audit Committee). Referred to Committee on Public Health, Welfare and Safety.

SB 393, introduced by S. Brown, Himsl, (By Request of the Legislative Audit Committee). Referred to Committee on Public Health, Welfare and Safety.

SB 394, introduced by S. Brown, Himsl, (By Request of the Legislative Audit Committee). Referred to Committee on Public Health, Welfare and Safety.

SB 395, introduced by S. Brown, Himsl, (By Request of the Legislative Audit Committee). Referred to Committee on Agriculture, Livestock and Irrigation.
SB 396, introduced by S. Brown, Himsl, (By Request of the Legislative Audit Committee). Referred to Committee on Public Health, Welfare and Safety.
SB 397, introduced by S. Brown, Himsl, (By Request of the Legislative Audit Committee). Referred to Committee on Public Health, Welfare and Safety.
SB 398, introduced by S. Brown, Himsl, (By Request of the Legislative Audit Committee). Referred to Committee on Public Health, Welfare and Safety.

The following House bills were introduced, read first time and referred to committees:

HB 96, introduced by Feda, (By Request of the Department of Social and Rehabilitation Services). Referred to Committee on Judiciary.
HB 195, introduced by Curtiss, Kanduch, Stobie, Hurwitz, Harp, Mueller, Thoft, Bertelsen, Ellison, McCallum. Referred to Committee on Natural Resources.
HB 238, introduced by Fabrega, Goodover, Sivertsen, Phillips, Thomas, Harper, Pistoria, Vinger, Feda, Sales. Referred to Committee on Business and Industry.
HB 239, introduced by Fabrega, Goodover, Wallin, Moore, Vinger, Nordtvedt, Meyer, Sales. Referred to Committee on Business and Industry.
HB 247, introduced by Sivertsen, (By Request of the Department of Livestock). Referred to Committee on Agriculture, Livestock and Irrigation.
HB 273, introduced by Metcalf, Pistoria, R. Manning, Donaldson, Harper, Roush, Spilker, Marks. Referred to Committee on Judiciary.
HB 277, introduced by Seifert, Mueller, Kanduch, Daily, Quilici, Pavlovich, (By Request of the Department of State Lands). Referred to Committee on Natural Resources.
HB 285, introduced by Fabrega, Goodover, Lee, J. O'Hara. Referred to Committee on Business and Industry.
HB 390, introduced by Winslow. Referred to Committee on Local Government.
HB 421, introduced by Waldron, (By Request of the Department of Justice). Referred to Committee on Highways and Transportation.

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator O'Hara in the Chair.

Senate resumed. President Turnage in the Chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on Second Reading, recommend as follows:

That Senate Bill No. 274 do pass by the following vote:

Ayes: Anderson, Berg, Blaylock, B. Brown, S. Brown, Conover, Crippen, Eck, Elliott, Etchart, Graham, Haffey, Hager, Halligan, Hazelbaker, Healy, Himsl, Jacobson, Kolstad, Mazurek, McCallum, Norman, Ochsner, O'Hara, Regan, Ryan, Severson, Stimatz, Story, Thomas, Towe, Van Valkenburg. Total 32

Noes: Aklestad, Boylan, Dover, Galt, Goodover, Hafferman, Hammond, Lee, Manley, Nelson, Olson, Smith, Stephens, Tveit.

Total 14

Excused: Johnson, Keating.
Total 2

Absent or not voting: Manning, Mr. President.
Total 2

That House Bill No. 47 pass consideration. Unanimously passed.

That Senate Bill No. 154 do pass by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Johnson, Keating.
Total 2

Absent or not voting: None.
Total 0

That Senate Bill No. 161 do pass by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Johnson, Keating.
Total 2

Absent or not voting: None.
Total 0

That Senate Bill No. 310 do pass by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Johnson, Keating.

Total 2

Absent or not voting: None.
Total 0

That Senate Joint Resolution No. 4 pass consideration. Unanimously passed.

That House Bill No. 62 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Johnson, Keating.
Total 2

Absent or not voting: None.
Total 0

That House Bill No. 70 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Johnson, Keating.
Total 2

Absent or not voting: None.
Total 0

That the Committee rise and report. (O'Hara, Chairman)

Upon motion of Senator O'Hara, duly carried, the foregoing Report of the Committee of the Whole was adopted.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

Senate Bill No. 24 was passed by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Kolstad, Lee, Manley, Mazurek, McCallum, Nelson, Norman,

Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 46

Noes: None.
Total 0

Excused: Johnson, Keating.
Total 2

Absent or not voting: Hager, Manning.
Total 2

Senate Bill No. 77 was passed by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Kolstad, Lee, Manley, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 47

Noes: None.
Total 0

Excused: Johnson, Keating.
Total 2

Absent or not voting: Manning.
Total 1

Senate Bill No. 80 was passed by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Kolstad, Lee, Manley, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 46

Noes: None.
Total 0

Excused: Johnson, Keating.
Total 2

Absent or not voting: Elliott, Manning.
Total 2

Senate Bill No. 115 was passed by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 46

Noes: None.
Total 0

Excused: Johnson, Keating.

Total 2

Absent or not voting: Elliott, Olson.
Total 2

Senate Bill No. 125 was passed by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 47

Noes: None.
Total 0

Excused: Johnson, Keating.
Total 2

Absent or not voting: Elliott.
Total 1

Senate Bill No. 146 was passed by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 47

Noes: None.
Total 0

Excused: Johnson, Keating.
Total 2

Absent or not voting: Elliott.
Total 1

Senate Bill No. 165 was passed by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 47

Noes: None.
Total 0

Excused: Johnson, Keating.
Total 2

Absent or not voting: Elliott.
Total 1

Senate Bill No. 189 being a Constitutional Amendment requiring a two-thirds vote of the Legislature, was sent to the House with the following vote:

Ayes: Berg, Blaylock, B. Brown, S. Brown, Conover, Crippen, Eck, Elliott, Haffey, Hager, Halligan, Healy, Himsl, Jacobson, Lee, Manley, Mazurek, Norman, Olson, Regan, Ryan, Severson, Stimatz, Thomas, Towe, Van Valkenburg.
Total 26

Noes: Aklestad, Anderson, Boylan, Dover, Etchart, Galt, Goodover, Graham, Hafferman, Hammond, Hazelbaker, Kolstad, Manning, McCallum, Nelson, Ochsner, O'Hara, Smith, Stephens, Story, Tveit, Mr. President.
Total 22

Excused: Johnson, Keating.
Total 2

Absent or not voting: None.
Total 0

Senate Bill No. 233 was passed by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Johnson, Keating.
Total 2

Absent or not voting: None.
Total 0

Senate Bill No. 264 was passed by the following vote:

Ayes: Anderson, Berg, Blaylock, B. Brown, S. Brown, Conover, Crippen, Eck, Elliott, Graham, Haffey, Halligan, Healy, Jacobson, Manley, Manning, Mazurek, McCallum, Norman, Ochsner, Regan, Ryan, Severson, Stimatz, Story, Thomas, Towe, Van Valkenburg.
Total 28

Noes: Aklestad, Boylan, Dover, Etchart, Galt, Goodover, Hafferman, Hager, Hammond, Hazelbaker, Himsl, Kolstad, Lee, Nelson, O'Hara, Olson, Smith, Stephens, Tveit, Mr. President.
Total 20

Excused: Johnson, Keating.
Total 2

Absent or not voting: None.
Total 0

House Bill No. 52 was concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham,

Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Johnson, Keating.
Total 2

Absent or not voting: None.
Total 0

House Bill No. 94 was concurred in by the following vote:

Ayes: Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Eck, Etchart, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Kolstad, Manning, Mazurek, McCallum, Nelson, Norman, O'Hara, Regan, Severson, Stephens, Stimatz, Story, Thomas, Towe, Van Valkenburg, Mr. President.
Total 36

Noes: Aklestad, Dover, Elliott, Galt, Hafferman, Lee, Manley, Ochsner, Olson, Ryan, Smith, Tveit.
Total 12

Excused: Johnson, Keating.
Total 2

Absent or not voting: None.
Total 0

At the request of the President, and without objection, the Senate reverted to Order of Business No. 7.

FIRST READING OF BILLS

The following Senate bills were introduced, read first time and referred to committees:

SB 399, introduced by Manley, Turnage, Elliott. Referred to Committee on Local Government.
SB 400, introduced by Halligan, Mazurek. Referred to Committee on Judiciary.
SB 401, introduced by Committee on State Administration, (By Request of the Senate Committee on State Administration). Referred to Committee on State Administration.
SB 402, introduced by Towe, Blaylock, Regan, Berg. Referred to Committee on State Administration.

At the request of Senator S. Brown, and without objection, the Senate reverted to Order of Business No. 6.

MOTIONS

Senator S. Brown moved that the Senate reconsider its action taken on the adoption of an Adverse Committee Report on Senate Bill No. 205 this Legislative Day and that it be printed and placed on Second Reading. Motion failed by the following vote:

Ayes: Berg, Blaylock, S. Brown, Conover, Eck, Haffey, Halligan, Healy, Jacobson, Manning, Mazurek, Norman, O'Hara, Regan, Stimatz, Thomas, Towe, Van Valkenburg.
Total 18

Noes: Aklestad, Boylan, B. Brown, Crippen, Dover, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Hager, Hammond, Hazelbaker, Himsl, Johnson, Keating, Kolstad, Lee, Manley, McCallum, Nelson, Ochsner, Olson, Ryan, Severson, Smith, Stephens, Story, Tveit, Mr. President.
Total 31

Excused: None.
Total 0

Absent or not voting: Anderson.
Total 1

(Including the following pairs: S. Brown, aye - Keating, no; Towe, aye - Johnson, no; Manning, aye - McCallum, no.)

At the request of the President, and without objection, the Senate reverted to Order of Business No. 2.

REPORTS OF STANDING COMMITTEES

BILLS (O'Hara, Chairman):
Correctly engrossed - SB 30, SB 118, SB 124, SB 152, SB 174, SB 236, SB 296, SB 321. Report adopted.

Supreme Court Justice John Harrison introduced a group of Eagle Scouts representing the Boy Scouts of America in Montana.

Upon motion of Senator Stephens, duly carried, the Senate adjourned at 10:16 a.m. until Monday, February 9, at the hour of 3:00 p.m.

JEAN A. TURNAGE
President of the Senate

JOHN W. LARSON
Secretary of the Senate

THIRTY-FIRST LEGISLATIVE DAY

Helena, Montana
February 9, 1981

Senate Chambers
Capitol Building

Senate convened at 3:00 p.m., President Turnage presiding. Invocation by the Chaplain. Pledge of Allegiance to the Flag.

Roll call. All members present except Stephens, excused. Quorum present.

Mr. President: We, your Committee on Bills and Journal, having examined the daily journal for the Thirtieth Legislative Day, find the same to be correct.

O'HARA, Chairman

REPORTS OF STANDING COMMITTEES

PRINTING (O'Hara, Chairman):
Correctly printed and placed on the members' desks - SB 16, SB 155, SB 156, SB 166, SB 182, SB 218, SB 244, SB 256, SB 278, SB 286, SB 302, SB 303, SB 316, SB 319, SJR 11. Report adopted.

BILLS (O'Hara, Chairman):
Correctly engrossed - SB 88, SB 154, SB 161, SB 274, SB 310. Report adopted.

LEGISLATIVE ADMINISTRATION (Kolstad, Chairman):
Respectfully reports as follows:

That the following attaches of the Senate be terminated as of 5:00 p.m., Saturday, February 7, 1981:

Kimberly Haugen ..... Page
Carolyn Olsen ..... Page
Wendy Hietala ..... Page
Karren Kemmer ..... Page
Daryl Vandenacre ..... Page
John Pavlovich ..... Page

And further, that the following attaches of the Senate be employed as of 8:00 a.m., Monday, February 9, 1981:

Troy Johnson ..... Page
Cheri Smith ..... Page
Patti Miller ..... Page
LeAnne Anderson ..... Page
Dawn Wolf ..... Page
John Peterson ..... Page
Tate Jones ..... Page
Joan Malek ..... Page

And further, that the following attache of the Senate be terminated as of 5:00 p.m., Thursday, February 5, 1981:

Louise L. Sullivan ..... Asst. Chief Steno & Comm. Secy.

And further, that the following attache of the Senate be reclassified as of 8:00 a.m., Friday, February 6, 1981:

Elaine L. Rung From Comm. Secy. to Asst. Chief Steno & Comm. Secy.

Report adopted.

BUSINESS AND INDUSTRY (Hazelbaker, Chairman):
SB 239, introduced bill, be amended as follows:

1. Page 3, line 9.
Following: "licensed"
Strike: "sales"

2. Page 7, line 15.
Following: (3)
Strike: "The"
Insert: "Notwithstanding any other provision of law, the"

And, as so amended, do pass. Report adopted.

SB 261, do pass. Report adopted.

SB 275, introduced bill, be amended as follows:

1. Page 1, line 22.
Following: "making"
Insert: "insurance, designated as funeral insurance,"
Following: "available"
Strike: "insurance for funerals"

And, as so amended, do pass. Report adopted.

FINANCE AND CLAIMS (Himsl, Chairman):
SB 330, introduced bill, be amended as follows:

1. Title, line 7.
Following: "SECURITIES"
Insert: "; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE"

2. Page 1.
Following: line 23
Insert: "Section 3. Effective date. This act is effective on passage and approval."

And, as so amended, do pass. Report adopted.

JUDICIARY (Anderson, Chairman):
SB 14, introduced bill, be amended as follows:

1. Title, line 7.
Following: "FELONY"
Insert: "AND MISDEMEANOR"

2. Page 1, line 12.
Following: "felony"
Insert: "and misdemeanor"

3. Page 1.
Following: line 14
Insert: "of imprisonment"

4. Page 1, line 15.
Following: "fine"
Insert: ", only in accordance with subsection (3), and in lieu of or in addition to a sentence of imprisonment"
Strike: "Except as"
Insert: "For those crimes for which penalties are"

5. Page 1, line 17.

Following: "45-5-401(2),"
Insert: "45-5-502(3),"

6. Page 1.
Following: line 19
Strike: "in lieu of or"
Insert: "in accordance with subsection (3)"

7. Page 1.
Following: line 19
Insert: "(2) Whenever, upon a verdict or plea of guilty, a person has been found guilty of an offense for which a misdemeanor penalty of a fine could be imposed, the court may impose a fine only in accordance with subsection (3)."
Renumber: subsequent sections

8. Page 2, line 1.
Strike: "The"
Insert: "Any"
Following: "fine"
Insert: "levied under this section in a felony case"
Following: "court"
Insert: "not to exceed $50,000"

9. Page 2.
Following: line 3
Insert: "or misdemeanor"

10. Page 5, line 22.
Following: "instruction."
Insert: "(1)"

11. Page 5.
Following: line 25
Insert: "(2) There is added to those sections listed in subsection (1) of section 1, following the language in those sections specifying the term of imprisonment for which an offender may be imprisoned, the words "and may be fined not more than $50,000" or other similar language allowing the court to fine the offender a maximum of $50,000 in addition to a term of imprisonment. The code commissioner shall change the listed sections in accordance with this section and may make minor incidental adjustments consistent with this section as may be necessary to reflect the intent of this section without changing the meaning of the listed sections as amended by this section.

(3) There is added to those sections listed in subsection (4) of this section, following any language in those sections specifying the term of imprisonment for which an offender may be imprisoned but without specifying a fine that may be ordered to be paid, the words "or shall be punished by a fine of not more than $50,000 or by both such fine and imprisonment", or other similar language allowing the court to fine the offender a maximum of $50,000 in lieu of imprisonment or to punish the offender by both a fine and imprisonment. The code commissioner shall change the listed sections in accordance with this section and may make minor incidental adjustments consistent with this section as may be necessary to reflect the intent of this section without changing the meaning of the listed sections as amended by this section.

(4) 13-27-205, 13-27-206, 19-11-207, 20-9-435, 23-5-106, 30-13-142, 32-1-236, 32-1-473, 32-1-505, 45-5-104, 45-5-204, 45-5-105, 45-5-201,

45-5-203, 45-5-204, 45-5-304, 45-5-505, 45-5-603, 45-5-613, 45-5-621, 45-6-101 through 45-6-103, 45-6-204, 45-6-301, 45-6-316, 45-6-317, 45-6-325, 45-6-327, 45-7-101, 45-7-102, 45-7-201, 45-7-206 through 45-8-106, 45-8-215, 45-8-318, 45-8-334, 45-8-335, 45-9-101(4), 45-9-102(4), 45-9-103(3), 45-9-107, 46-18-213, 46-18-502, 46-31-204, 50-38-107, 61-3-604, 81-5-102 and 81-9-118."

And, as so amended, do pass. Report adopted.

SB 120, introduced bill, be amended as follows:

1. Page 3, line 22.
Following: "commissioner"
Strike: remainder of line 22

2. Page 3.
Following: line 22
Strike: lines 23, 24, and 25 in their entirety
Insert: "The court may delegate to the jury commissioner the authority to select the panel and excuse jurors under 3-15-313, and generally take charge of the jury administration in the presence of a person designated by the court."

And, as so amended, do pass. Report adopted.

SB 164, introduced bill, be amended as follows:

1. Page 1, line 23.
Following: "(3)"
Insert: "the department of revenue or the department of social and rehabilitation services of"

2. Page 2, line 3.
Following: "to"
Strike: "6"
Insert: "3"

3. Page 3, line 23.
Following: ";"
Insert: "and"

4. Page 4, line 1.
Strike: "; and"
Insert: "."

5. Page 4.
Following: line 1
Strike: lines 2, 3, 4, and 5 in their entirety

6. Page 4, line 14.
Following: "within"
Strike: "1 year"
Insert: "2 years"

7. Page 4, line 18.
Following: "of"
Strike: "$1"
Insert: "not to exceed $5"

8. Page 5.
Following: line 9
Strike: Section 11 in its entirety
Renumber: subsequent sections

And, as so amended, do pass. Report adopted.

SB 238, introduced bill, be amended as follows:

1. Title.
Following: line 5
Insert: "FOR PROPERTY DAMAGE"

2. Page 2, line 4.
Following: "arising"
Insert: "for property damage to a motor vehicle"

3. Page 2, line 12.
Following: "."
Insert: "(1)"

4. Page 2.
Following: line 12
Insert: "property"

5. Page 2, line 13.
Following: "damages"
Strike: "for the damage to or the loss of"
Insert: "arising out of the ownership, maintenance, or"

6. Page 2, line 14.
Following: "judgment"
Insert: "equal to or"

7. Page 2, lines 15 and 16.
Following: "amount"
Strike: remainder of line 15 through 'by' on line 16
Insert: "of damages claimed by the plaintiff in his last written offer to the defendant or"

8. Page 2.
Following: line 24
Insert: "(2) If the plaintiff secures a judgment equal to or greater than the amount offered to the plaintiff by the defendant or by his agent prior to the filing of the cause of action, the court shall allow, as part of the costs, defendant's reasonable attorney's fee, which shall be fixed by the court, notwithstanding any agreement between the parties to the contrary."

And, as so amended, do pass. Report adopted.

STATE ADMINISTRATION (Story, Chairman):
SB 232, do pass. Report adopted.

SB 350, introduced bill, be amended as follows:

1. Page 3, line 10.
Following: "chapter."
Strike: the following sentence

And, as so amended, do pass. Report adopted.

Senator Stephens entered the Senate Chambers at 3:09 p.m.

BUSINESS AND INDUSTRY (Hazelbaker, Chairman):
SB 263, do not pass.

Thereupon, the Adverse Committee Report was adopted by the following roll call vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Keating, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 45

Noes: Goodover, Hafferman, Kolstad, Smith.
Total 4

Excused: None.
Total 0

Absent or not voting: Johnson.
Total 1

SB 295, do not pass.

Thereupon, the Adverse Committee Report was adopted by the following roll call vote:

Ayes: Aklestad, Anderson, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Etchart, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Johnson, Keating, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Severson, Smith, Stephens, Story, Thomas, Tveit, Van Valkenburg.
Total 40

Noes: Berg, Elliott, Hafferman, Jacobson, Kolstad, Regan, Ryan, Stimatz, Towe, Mr. President.
Total 10

Excused: None.
Total 0

Absent or not voting: None.
Total 0

FINANCE AND CLAIMS (Himsl, Chairman):
SB 180, do not pass.

Thereupon, the Adverse Committee Report was adopted by the following roll call vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Mr. President.
Total 47

Noes: S. Brown, Ryan, Van Valkenburg.
Total 3

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 234, do not pass.

Thereupon, the Adverse Committee Report was adopted by the following roll call vote:

Ayes: Aklestad, Anderson, Boylan, Conover, Crippen, Dover, Etchart, Galt, Goodover, Graham, Hager, Hazelbaker, Healy, Himsl, Johnson, Keating, Kolstad, Lee, Manley, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Severson, Smith, Stephens, Stimatz, Story, Tveit, Mr. President.
Total 32

Noes: Berg, Blaylock, B. Brown, S. Brown, Eck, Elliott, Hafferman, Haffey, Halligan, Hammond, Jacobson, Mazurek, Regan, Ryan, Thomas, Towe, Van Valkenburg.
Total 17

Excused: None.
Total 0

Absent or not voting: Manning.
Total 1

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following House Bills were on 2/7/81, passed and transmitted to the Senate for concurrence:

House Bill No. 127, introduced by Feda

House Bill No. 223, introduced by Schultz

House Bill No. 351, introduced by Kessler

House Bill No. 387, introduced by Hart

House Bill No. 402, introduced by Keedy

House Bill No. 403, introduced by Keedy

House Bill No. 405, introduced by Keedy

House Bill No. 437, introduced by Menahan

House Bill No. 439, introduced by Waldron

MOTIONS

Upon motion of Senator Story, duly carried, that Senate Bill No. 371 be taken from the Committee on State Administration and rereferred to the Select Committee on the State Pay Plan.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

Senate Bill No. 30 was passed by the following vote:

Ayes: Aklestad, Anderson, Berg, Boylan, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: Blaylock.

Total 1

Excused: None.
Total 0

Absent or not voting: B. Brown.
Total 1

Senate Bill No. 38 was passed by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Senate Bill No. 47 was passed by the following vote:

Ayes: Aklestad, Anderson, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 47

Noes: Berg, Himsl, Regan.
Total 3

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Senate Bill No. 118 was passed by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: McCallum, Ryan.
Total 2

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Senate Bill No. 124 was passed by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Senate Bill No. 152 was passed by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: Elliott.
Total 1

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Senate Bill No. 174 was passed by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Senate Bill No. 236 was passed by the following vote:

Ayes: Anderson, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 44

Noes: Aklestad, Kolstad, Lee, Manley, Regan.
Total 5

Excused: None.
Total 0

Absent or not voting: Berg.
Total 1

Senate Bill No. 285 was passed by the following vote:

Ayes: Aklestad, Anderson, Boylan, B. Brown, Dover, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Hammond, Hazelbaker, Healy, Himsl, Johnson, Keating, Kolstad, Lee, Manley, Manning, McCallum, Nelson, Ochsner, O'Hara, Olson, Ryan, Severson, Smith, Stephens, Story, Thomas, Tveit, Mr. President.
Total 36

Noes: Berg, Blaylock, S. Brown, Conover, Crippen, Eck, Halligan, Jacobson, Mazurek, Norman, Regan, Stimatz, Towe, Van Valkenburg.
Total 14

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Senate Bill No. 296 was passed by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Senate Bill No. 321 was passed by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith,

Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: Keating.
Total 1

Excused: None.
Total 0

Absent or not voting: None.
Total 0

House Bill No. 76 was concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: Hafferman, Ryan.
Total 2

Excused: None.
Total 0

Absent or not voting: None.
Total 0

House Joint Resolution No. 8 was concurred in by the following vote:

Ayes: Anderson, Berg, Blaylock, Boylan, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Van Valkenburg, Mr. President.
Total 45

Noes: Aklestad, B. Brown, Himsl, Olson, Tveit.
Total 5

Excused: None.
Total 0

Absent or not voting: None.
Total 0

At the request of the President, and without objection, the Senate reverted to Order of Business No. 8.

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Bob Brown in the Chair.

Senate resumed. President Turnage in the Chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on Second Reading, recommend as follows:

That House Bill No. 47 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

That Senate Joint Resolution No. 4 be amended as follows:

1. Page 2, line 12.
Following: "facilities"
Insert: "on procedural or nonsubstantive grounds"

Amendment passed by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

That Senate Joint Resolution No. 4, as amended, do pass by the following vote:

Ayes: Aklestad, Anderson, Boylan, Dover, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Hammond, Healy, Keating, Kolstad, Lee, Manley, Manning, McCallum, Nelson, Olson, Ryan, Smith, Stephens, Story, Thomas, Tveit.
Total 26

Noes: Berg, Blaylock, S. Brown, Conover, Crippen, Eck, Haffey, Hager, Halligan, Jacobson, Johnson, Mazurek, Norman, Ochsner, Regan, Severson, Stimatz, Towe, Van Valkenburg, Mr. President.
Total 20

Excused: None.
Total 0

Absent or not voting: B. Brown, Hazelbaker, Himsl, O'Hara.

Total 4

That Senate Bill No. 123 be amended as follows:

1. Title, line 8.
Following: "FOR"
Insert: "TRANSITION TO"

2. Title, line 9.
Following: "BOUNDARIES"
Insert: "UPON CONGRESSIONAL OR JUDICIAL APPROVAL"

3. Page 4, line 9.
Following: "(1)"
Strike: "Subject"
Insert: "Upon approval of the congress of the United States or upon authority derived from a decision of the United States supreme court and subject"

4. Page 4, lines 12 and 13.
Following: "after"
Strike: "[the effective date of this act]"
Insert: "such congressional action or judicial decision"

Amendment passed by the following vote:

Ayes: Aklestad, Anderson, Boylan, Crippen, Dover, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Hammond, Hazelbaker, Keating, Lee, Manley, Manning, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Severson, Smith, Stephens, Story, Towe, Tveit, Mr. President.
Total 30

Noes: Berg, Blaylock, S. Brown, Conover, Haffey, Halligan, Healy, Himsl, Jacobson, Mazurek, Regan, Ryan, Stimatz, Van Valkenburg.
Total 14

Excused: None.
Total 0

Absent or not voting: B. Brown, Eck, Hager, Johnson, Kolstad, Thomas.
Total 6

That Senate Bill No. 123, as amended, do pass by the following vote:

Ayes: Aklestad, Anderson, Dover, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Hager, Hammond, Hazelbaker, Keating, Kolstad, Lee, Manley, Manning, McCallum, Nelson, Ochsner, O'Hara, Severson, Smith, Stephens, Story, Tveit, Mr. President.
Total 27

Noes: Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Eck, Haffey, Halligan, Healy, Himsl, Jacobson, Johnson, Mazurek, Norman, Olson, Regan, Ryan, Stimatz, Thomas, Towe, Van Valkenburg.
Total 23

Excused: None.
Total 0

Absent or not voting: None.
Total 0

That Senate Bill No. 304 do pass by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham,

Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

That Senate Bill No. 305 do pass by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

That Senate Bill No. 306 do pass by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

That Senate Bill No. 308 do pass by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan,

Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

That House Bill No. 253 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

That House Bill No. 255 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

That the Committee rise and report. (B. Brown, Chairman)

Upon motion of Senator B. Brown, duly carried, the foregoing Report of the Committee of the Whole was adopted.

At the request of the President and without objection, the Senate reverted to Order of Business No. 2.

REPORTS OF STANDING COMMITTEES

The Senate will please take note that the President did, at the hour of 1:05 p.m., 2/9/81, sign the following bill:

HB 219.

Jean A. Turnage
President

AGRICULTURE, LIVESTOCK AND IRRIGATION (Galt, Chairman):
SB 199, introduced bill, be amended as follows:

1. Title, line 8.
Following: "CONDITIONS"
Insert: "; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE"

2. Page 3, line 1.
Following: "if"
Strike: "the board"
Insert: "it"

3. Page 3, line 4.
Strike: "petition"
Insert: "proposal"

4. Page 3, line 12.
Following: "under"
Strike: "[Sections 1 and 2]"
Insert: "this Section and [Section 1]"

5. Page 3, line 20.
Following: "under"
Insert: "85-2-306(2),"
Following: "85-2-310"
Insert: ","

6. Page 4.
Following: line 11
Insert: "Section 5. Effective date. This act is effective upon passage and approval."

And, as so amended, do pass. Report adopted.

BUSINESS AND INDUSTRY (Hazelbaker, Chairman):
SB 307, introduced bill, be amended as follows:

1. Title, line 6.
Following: "PHYSICIANS,"
Strike: "PODIATRY"

2. Title, line 7.
Following: line 6
Strike: "EXAMINERS"
Insert: "PODIATRISTS"

And, as so amended, do pass. Report adopted.

JUDICIARY (Anderson, Chairman):
SB 222, introduced bill, be amended as follows:

1. Title, line 7.
Following: "SUBDIVISION"
Strike: "AND"
Insert: ";"

2. Title, line 8.
Following: "THAT"

Strike: "COSTS"
Insert: "ATTORNEY'S FEES"
Following: "MAY"
Strike: "NOT"

3. Title, lines 9 and 10.
Strike: "SUBSTANTIALLY JUSTIFIED"
Insert: "REASONABLE"

4. Title, line 10.
Following: "JUSTIFIED"
Strike: "OR AN AWARD OF COSTS UNJUST"

5. Title, line 10.
Following: "UNJUST"
Insert: "AND PROVIDING A SAVING CLAUSE"

6. Page 1, line 14.
Following: "costs"
Insert: "and attorney's fees"

7. Page 1, line 16.
Following: "action"
Insert: "listed in 25-10-101"

8. Page 1, lines 20 and 21.
Following: "25-10-201"
Strike: "and reasonable attorney's fees as determined by the court"

9. Page 1, line 23.
Following: "agency"
Strike: ","
Insert: "."

10. Page 2.
Following: line 1
Insert: "(2) In any civil action, except an action brought under Title 2, chapter 9, part 3, that is brought by or against the state, a political subdivision, or an agency of either, the opposing party, whether plaintiff or defendant, is entitled to his reasonable attorney's fees as determined by the court if he prevails against the state, political subdivision, or agency of either,"
Renumber: following subsection

11. Page 2, line 2.
Following: "such"
Strike: "costs"
Insert: "attorney's fees"

12. Page 2, line 4.
Following: "was"
Strike: "substantially justified"
Insert: "reasonable"

13. Page 2.
Following: line 8
Insert: "Section 2. Saving clause. This act does not apply to any cause of action arising before the effective date of this act."

And, as so amended, do pass. Report adopted.

PUBLIC HEALTH, WELFARE AND SAFETY (Hager, Chairman):
SB 212, introduced bill, be amended as follows:

1. Page 10, line 19.
Following: "(b)"
Strike: "Hazardous"
Insert: "except as provided in (c), hazardous"

2. Page 10.
Following: line 21
Insert: "(c) Hazardous wastes do not include those substances governed by Title 82, chapter 4, part 2."

3. Page 14, line 6.
Following: "program"
Insert: ", except that the department may not adopt rules under (Sections 8 through 28) that are more restrictive than those promulgated by the federal government under the Resource Conservation and Recovery Act of 1976, as amended"

4. Page 25, lines 22 and 23.
Following: "fine"
Strike: "of not less than"
Insert: "not to exceed"

5. Page 25, lines 23 and 24.
Following: "imprisonment"
Strike: "for no less than"
Insert: "not to exceed"

6. Page 25, line 24.
Following: "both."
Insert: "A person convicted for a violation of this section after a first conviction under this section is subject to a fine not to exceed $20,000 for each violation or imprisonment not to exceed 1 year, or both."

And, as so amended, do pass. Report adopted.

The Committee adopted the following Statement of Intent:

STATEMENT OF INTENT: Senate Bill No. 212

A statement of intent is required for this bill because it delegates rulemaking and licensing authority to the Department of Health and Environmental Sciences. Senate Bill No. 212 is intended to separate from the existing Montana Solid Waste Management Act (Sects: 75-10-201, et seq., MCA) all references to the treatment, storage, disposal, generation, and transportation of hazardous wastes and place the statutes regulating hazardous wastes into a separate part of the code. The specific objective and intent of the bill is to clarify and extend state rulemaking authority in order to be totally authorized by the Administrator of the Environmental Protection Agency (EPA) to operate a hazardous waste program in Montana which is equivalent to and in lieu of the federal hazardous waste program established by Subtitle C of the Resource Conservation and Recovery Act (RCRA) of 1976, P.L. 94-580, as amended.

The rules promulgated and permitting procedures adopted under this bill shall meet minimum standards under RCRA and shall not be more restrictive than those analogous provisions in which EPA has adopted regulations under RCRA. In the limited situations in which no federal regulations have been adopted or the drafting of regulations has been purposefully left to the states, the Department must be guided and constrained by the purpose set forth in Section 9, the powers of the Department noted in Section 11, the rulemaking guidelines of Section 12, and the minimum requirements of RCRA.

It should be noted that Montana has enacted regulatory provisions under existing Title 75, chapter 10, part 2, the Solid Waste Management Act, and has sufficient coverage of hazardous waste responsibilities enabling the state to qualify for interim authorization from EPA to carry out a program in lieu of the federal RCRA hazardous waste program. This bill grants the Department authority to make additional adjustments, through rulemaking, which will bring its program affecting generators and transporters of hazardous wastes, the universe of hazardous waste, inspection and sampling, definitions, enforcement alternatives and penalties for hazardous wastes into equivalency and consistency with federal requirements.

Senate Bill No. 212 intends that the Department of Health and Environmental Sciences shall have authority to require by rule, in accordance with the Montana Administrative Procedure Act, that generators of hazardous wastes, prior to transporting hazardous wastes or offering them for transport off-site, must perform certain packaging, labeling, marking and placarding of the wastes in a manner equivalent to the provisions of federal regulations contained in 40 CFR 262.30 through 262.33. The Department shall have authority under the bill to adopt rules setting penalties or fines for generators of hazardous wastes that set upper limitations which are no less than the amount of $10,000 per day, as required for final authorization under the federal program. Furthermore, Senate Bill No. 212 allows additional rulemaking to clarify the Department's authority to make inspections of and take samples from generators of hazardous wastes in a manner equivalent to federal inspection authority provided in Section 3007 of RCRA and federal rules promulgated under RCRA.

Under existing law, the Department has promulgated rules which define a broad spectrum of hazardous wastes (the universe of hazardous wastes) by specific listing and by characteristics; which list exclusions from the definition of hazardous waste; which define terms necessary to implement the hazardous waste program; which establish manifest requirements specifying how a hazardous waste is documented from time of generation through transport to time of disposal by the operator of a treatment, storage or disposal facility; which set recordkeeping and emergency cleanup procedures for transporters of hazardous wastes; which establish licensure procedures and standards for operators of hazardous waste treatment storage and disposal systems; and which provide enforcement alternatives for treatment, storage and disposal facility licenses. All of the existing rules are equivalent to and consistent with the federal program established by RCRA; in many instances, EPA rules have been incorporated by reference.

Under Senate Bill No. 212 the Department will have authority to amend and revise these rules, and to adopt new rules, in accordance with the Montana Administrative Procedure Act, which may be needed to meet changing minimum federal standards for a hazardous waste program authorized for state control under RCRA, as amended. Thus, Montana will be able to continue to maintain federal authorization for an independent hazardous waste program, equivalent to the federal program, but operated by the Department.

First adopted by the Senate Public Health Committee on the 9th day of February, 1981.

Report adopted.

SB 241, do pass. Report adopted.

The Committee adopted the following Statement of Intent:

STATEMENT OF INTENT: Senate Bill No. 241

This bill is adopted to enable the State of Montana to meet the requirements of Public Law 96-265, the Social Security Disability Amendments of

1980 (the Baucus Amendment). Public Law 96-265 establishes a program of federal certification of medicare supplemental insurance policies and provides that medicare supplemental policies issued in a state with an approved regulatory program shall be certified under the federal certification program. [In order to be approved, a state's medicare supplemental insurance policy regulatory program must provide for the application of standards with respect to such policies equal to or more stringent than the NAIC Model Regulation to Implement the Individual Accident and Sickness Insurance Minimum Standards Act, adopted by the National Association of Insurance Commissioners on June 6, 1979; include a requirement at least as stringent as the federal provision requiring that such policies return to policyholders in the form of aggregate benefits under the policy, at least 75% of the aggregate amount of premiums collected in the case of group policies and at least 60% of the aggregate amount of premiums collected in the case of individual policies; and apply these standards and requirements to all medicare supplemental policies issued in the state.]

A statement of intent is required for this bill because it delegates rulemaking authority to the Commissioner of Insurance. This bill is intended to give the Commissioner of Insurance the authority to adopt rules establishing minimum standards for benefits, contents, and sale of medicare supplemental insurance policies in the State of Montana to insure the implementation of a regulatory program which meets the minimum standards of Public Law 96-265, the Social Security Disability Amendments of 1980.

It is contemplated that such rules should address the following:

(a) prohibited policy provisions including the kinds of coverage that may be excluded from coverage in a medicare supplemental policy;

(b) minimum standards for medicare supplement policy provisions and minimum benefit standards;

(c) required disclosure provisions such as provisions regarding renewal, continuation, and nonrenewal, definition and explanation of terms, preexisting condition limitations, "free-look" provisions and forms for a buyer's guide and an outline of policy coverage; and

(d) replacement requirements, including a form for notice to an applicant regarding replacement of disability insurance.

First adopted by the Public Health Committee on the 9th day of February, 1981.

Report adopted.

TAXATION (Goodover, Chairman):

SB 98, do pass. Report adopted.

BUSINESS AND INDUSTRY (Hazelbaker, Chairman):

HB 21, introduced bill, be amended as follows:

1. Title, line 9.
Following: "MCA"
Strike: "."
Insert: ";"

2. Title, line 10.
Following: line 9
Insert: "AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

3. Page 14, line 6.
Following: line 5
Insert: "Section 5. Effective date. This act is effective on passage and approval."

And, as so amended, be concurred in. Report adopted.

TAXATION (Goodover, Chairman):
HJR 7, be concurred in. Report adopted.

FIRST READING OF BILLS

The following Senate bills were introduced, read first time and referred to committees:

SB 403, introduced by Mazurek, Dussault, Holliday, Kemmis, Bengtson. Referred to Committee on Judiciary.
SB 404, introduced by Mazurek, Dussault, Holliday, Kemmis, Bengtson. Referred to Committee on Judiciary.
SB 405, introduced by Regan. Referred to Committee on State Administration.
SB 406, introduced by Himsl, S. Brown, (By Request of the Legislative Audit Committee). Referred to Committee on Public Health, Welfare and Safety.
SB 407, introduced by S. Brown, Himsl, (By Request of the Legislative Audit Committee). Referred to Committee on Judiciary.
SB 408, introduced by M. Anderson. Referred to Committee on Taxation.
SB 409, introduced by Manning, Galt, (By Request of the Governor). Referred to Committee on Agriculture, Livestock and Irrigation.
SB 410, introduced by McCallum. Referred to Committee on Local Government.
SB 411, introduced by Himsl, S. Brown, (By Request of the Legislative Audit Committee). Referred to Committee on Judiciary.
SB 412, introduced by S. Brown, Himsl, (By Request of the Legislative Audit Committee). Referred to Committee on Taxation.
SB 413, introduced by Severson, Smith. Referred to Committee on Fish and Game.
SB 414, introduced by Boylan, (By Request of the Senate Agriculture Committee and the Department of Livestock). Referred to Committee on Agriculture, Livestock and Irrigation.

The following Senate Joint Resolutions were introduced, read first time and referred to committees:

SJR 17, introduced by Jacobson, S. Brown, Stimatz, Healy, Haffey, Harrington, Daily, Pavlovich, Quilici, D. Brown. Referred to Committee on Public Health, Welfare and Safety.
SJR 18, introduced by Senate Committee on Agriculture, Livestock, and Irrigation, (By Request of the Senate Agriculture Committee). Referred to Committee on Agriculture, Livestock and Irrigation.

The following House bills were introduced, read first time and referred to committees:

HB 127, introduced by Feda, Sales, (By Request of the Department of Social and Rehabilitation Services). Referred to Committee on Public Health, Welfare and Safety.
HB 223, introduced by Schultz, Burnett, Underdal, Conroy, Neuman, Iverson, Kropp, Ernst, Moore. Referred to Committee on Taxation.
HB 351, introduced by Kessler. Referred to Committee on Taxation.
HB 387, introduced by Hart, (By Request of the Department of Institutions). Referred to Committee on State Administration.
HB 402, introduced by Keedy. Referred to Committee on Local Government.
HB 403, introduced by Keedy. Referred to Committee on Judiciary.

HB 405, introduced by Keedy. Referred to Committee on Judiciary.

HB 437, introduced by Menahan, (By Request of the Department of Institutions). Referred to Committee on Public Health, Welfare and Safety.

HB 439, introduced by Waldron, (By Request of the Department of Institutions). Referred to Committee on Public Health, Welfare and Safety.

Upon motion of Senator Stephens, duly carried, the Senate adjourned at 6:01 p.m. until Tuesday, February 10, at the hour of 2:30 p.m.

JEAN A. TURNAGE
President of the Senate

JOHN W. LARSON
Secretary of the Senate

THIRTY-SECOND LEGISLATIVE DAY

Helena, Montana
February 10, 1981

Senate Chambers
Capitol Building

Senate convened at 2:30 p.m., President Pro Tempore Kolstad presiding. Invocation by the Chaplain. Pledge of Allegiance to the Flag.

Roll call. All members present except Ryan, Hazelbaker, Elliott, Thomas, excused. Quorum present.

Mr. President: We, your Committee on Bills and Journal, having examined the daily journal for the Thirty-first Legislative Day, find the same to be correct.

O'HARA, Chairman

REPORTS OF STANDING COMMITTEES

PRINTING (O'Hara, Chairman):
Correctly printed and placed on the members' desks - SB 14, SB 98, SB 120, SB 164, SB 199, SB 222, SB 232, SB 238, SB 239, SB 261, SB 275, SB 307, SB 330, SB 350. Report adopted.

BILLS (O'Hara, Chairman):
Correctly engrossed - SB 304, SB 305, SB 306, SB 308. Report adopted.

RULES (Stephens, Chairman):
Senate Rules be amended for the Forty-seventh Legislative Session as follows:

"Any non-revenue bill not delivered by the Legislative Council to the Senator and introduced by him by 5:00 p.m., February 13, 1981, will not be accepted for introduction."

And, as so amended, do pass. Report adopted.

PUBLIC HEALTH, WELFARE AND SAFETY (Hager, Chairman):
SB 228, introduced bill, be amended as follows:

1. Title, line 7.
Following: "CARE"
Strike: "BY CLARIFYING"
Insert: "FACILITIES; TO CLARIFY"

2. Title, line 8.
Following: "PAYMENT"
Insert: "FOR CHILDREN PLACED IN FOSTER CARE FACILITIES"

3. Page 1, lines 16 and 17.
Following: "department"
Strike: "of social and rehabilitation services"

4. Page 1, line 25.
Following: "for"
Strike: "one-half the payments so made during the month"
Insert: "the county's portion of the payment as determined by the department. The county's portion shall not exceed one-half the nonfederal share"

5. Page 2, lines 11 and 12.
Following: "every"

Strike: "geographic"
Insert: "judicial"
Following: "district"
Strike: "established by the department of social and rehabilitation services"

And, as so amended, do pass. Report adopted.

The Committee adopted the following Statement of Intent:

STATEMENT OF INTENT: Senate Bill No. 228

A statement of intent is required for this bill because in addition to amending Sections 41-3-104, 41-3-501, 41-5-801, and 53-4-112, the bill creates rulemaking authority for the Department of Social and Rehabilitation Services to administer a review of children in foster care under the department's supervision or for whom the department is making payment under Section 41-3-104(2) or 41-5-801(2).

It is the intent of this bill to indicate the legislature's support of permanency planning for children in foster care and to direct the department to continue its efforts in this area. This bill is intended to encourage reduction of the numbers of children in foster care; to expediently return children to their natural homes when possible, or to free the children for alternate permanent placements; thereby assuring the appropriate utilization of public funds and that the best interest of children in placement in Montana are being met by the department's program.

Rulemaking is primarily necessary to implement Section 2 and Section 1 paragraph 3 of the bill. These sections require that a foster care review committee be established by the department and the court to conduct reviews of children in foster care and provide written reports to the youth court and the department. Rules would identify which children are to be reviewed, and would list precisely what information is to be shared with the review committee, when the committees are to conduct business, what the geographic district will consist of, the general guidelines for the committees operation, the time limitations for conducting the reviews, and who may participate in the review. As for the information to be reported, the rules will ask for;

(1) summary reports of the review to include the recommendations of the committee regarding the continuation or discontinuation of foster care and reasons; treatment needs of the child; and court action.

(2) sufficient information to allow the tracking of the reviews; to facilitate: follow-up services, compliance with court orders, agency decisions, and response to committee recommendations; and to provide necessary reports on the departments foster care program.

First adopted by the Senate Public Health, Welfare, and Safety Committee on February 9, 1981.

Report adopted.

STATE ADMINISTRATION (Story, Chairman):

SB 184, do pass. Report adopted.

SB 401, introduced bill, be amended as follows:

1. Page 2, line 3.
Following: "postage,"
Insert: "mileage"

And, as so amended, do pass. Report adopted.

SJR 5, do pass. Report adopted.

HIGHWAYS AND TRANSPORTATION (Etchart, Chairman):
HB 287, be concurred in. Report adopted.

STATE ADMINISTRATION (Story, Chairman):
HB 139, be concurred in. Report adopted.

PUBLIC HEALTH, WELFARE AND SAFETY (Hager, Chairman):
SB 251, do not pass.

Thereupon, the Adverse Committee Report was adopted by the following roll call vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Conover, Crippen, Dover, Eck, Etchart, Galt, Goodover, Graham, Haffey, Hager, Halligan, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Manley, Manning, Mazurek, Nelson, Norman, Olson, Regan, Severson, Smith, Stephens, Stimatz, Story, Towe, Tveit, Van Valkenburg, Mr. President.
Total 37

Noes: Boylan, Hafferman, Hammond, Lee, McCallum, Ochsner.
Total 6

Excused: Elliott, Hazelbaker, Ryan, Thomas.
Total 4

Absent or not voting: B. Brown, S. Brown, O'Hara.
Total 3

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

House Bill No. 225, requiring adoption by an affirmative roll call vote of two-thirds of all the members of the Legislature, was on 2/9/81, passed and transmitted to the Senate with the following vote:

HOUSE OF REPRESENTATIVES

YEAS - 60
NAYS - 40

The following House Bills were on 2/9/81, passed and transmitted to the Senate for concurrence:

House Bill No. 108, introduced by Ellison (60-39)

House Bill No. 269, introduced by McLane (95-0)

House Bill No. 286, introduced by Fabrega (87-7)

House Bill No. 330, introduced by Kanduch (59-35)

House Bill No. 346, introduced by Jensen (95-0)

House Bill No. 350, introduced by Meyer (89-6)

House Bill No. 370, introduced by Underdal (95-5)

House Bill No. 372, introduced by Sales (95-5)

House Bill No. 398, introduced by Quilici (93-2)

House Bill No. 442, introduced by Quilici (92-2)

House Bill No. 463, introduced by Wallin (75-20)

FIRST READING OF BILLS

The following Senate bills were introduced, read first time and referred to committees:

SB 415, introduced by Regan, Conover, Towe, Blaylock, Crippen, Hager, Keating. Referred to Committee on Finance and Claims.
SB 416, introduced by M. Anderson, Ochsner. Referred to Committee on Highways and Transportation.
SB 417, introduced by Eck, Wallin, Boylan, Kemmis, Keating, McBride, Kessler, (By Request of the Office of the Governor). Referred to Committee on State Administration.
SB 418, introduced by Ochsner, Zabrocki, (By Request of the Department of Professional and Occupational Licensing). Referred to Committee on Public Health, Welfare and Safety.
SB 419, introduced by Blaylock. Referred to Committee on State Administration.

The following House bills were introduced, read first time and referred to committees:

HB 108, introduced by Ellison, Keyser, Iverson, Nordtvedt. Referred to Committee on State Administration.
HB 225, introduced by Ellison. Referred to Committee on State Administration.
HB 269, introduced by McLane, Asay, Feda, Vinger, Conroy, Briggs, Devlin, Donaldson, Metcalf, Sivertsen, Roth, Burnett, Curtiss, Keyser, Thoft. Referred to Committee on Agriculture, Livestock and Irrigation.
HB 286, introduced by Fabrega. Referred to Committee on Business and Industry.
HB 330, introduced by Kanduch, D. Brown, Conroy, Pavlovich, Jacobsen, Daily, Kropp. Referred to Committee on State Administration.
HB 346, introduced by Jensen, Turnage. Referred to Committee on Business and Industry.
HB 350, introduced by Meyer, Goodover, McCallum, Johnson, Waldron, Feda, O'Connell, Pistoria, Dussault, Vincent, Hannah, Ryan, Story. Referred to Committee on Business and Industry.
HB 370, introduced by Underdal, Conroy, Lund, Devlin, Switzer. Referred to Committee on Taxation.
HB 372, introduced by Sales, (By Request of the Public Employees' Retirement Board). Referred to Committee on State Administration.
HB 398, introduced by Quilici, Daily, Menahan, Fabrega. Referred to Committee on Natural Resources.
HB 442, introduced by Quilici, Menahan, Spilker, (By Request of the Department of Administration). Referred to Committee on Finance and Claims.
HB 463, introduced by Wallin, Ellerd, Boylan, Sales, (By Request of the Board of Regents). Referred to Committee on Education.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

Senate Bill No. 88 was passed by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Severson, Smith, Stephens, Stimatz, Story, Towe, Tveit, Van Valkenburg, Mr. President.
Total 45

Noes: None.
Total 0

Excused: Elliott, Hazelbaker, Ryan, Thomas.
Total 4

Absent or not voting: Manley.
Total 1

Senate Bill No. 154 was passed by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Severson, Smith, Stephens, Stimatz, Story, Towe, Tveit, Van Valkenburg, Mr. President.
Total 45

Noes: None.
Total 0

Excused: Elliott, Hazelbaker, Ryan, Thomas.
Total 4

Absent or not voting: Manley.
Total 1

Senate Bill No. 161 was passed by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Severson, Smith, Stephens, Stimatz, Story, Towe, Tveit, Van Valkenburg, Mr. President.
Total 45

Noes: None.
Total 0

Excused: Elliott, Hazelbaker, Ryan, Thomas.
Total 4

Absent or not voting: Manley.
Total 1

Senate Bill No. 274 was passed by the following vote:

Ayes: Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Eck, Goodover, Graham, Haffey, Hager, Halligan, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Regan, Smith, Stimatz, Story, Towe, Tveit, Van Valkenburg, Mr. President.
Total 35

Noes: Aklestad, Dover, Etchart, Galt, Hafferman, Hammond, Lee, Olson, Stephens.
Total 9

Excused: Elliott, Hazelbaker, Ryan, Thomas.
Total 4

Absent or not voting: Manley, Severson.

Total 2

Senate Bill No. 310 was passed by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Severson, Smith, Stephens, Stimatz, Story, Towe, Tveit, Van Valkenburg, Mr. President.
Total 45

Noes: None.
Total 0

Excused: Elliott, Hazelbaker, Ryan, Thomas.
Total 4

Absent or not voting: Manley.
Total 1

House Bill No. 62 was concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Severson, Smith, Stephens, Stimatz, Story, Towe, Tveit, Van Valkenburg, Mr. President.
Total 44

Noes: None.
Total 0

Excused: Elliott, Hazelbaker, Ryan, Thomas.
Total 4

Absent or not voting: Blaylock, Manley.
Total 2

House Bill No. 70 was concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Severson, Smith, Stephens, Stimatz, Story, Towe, Tveit, Van Valkenburg.
Total 43

Noes: Regan.
Total 1

Excused: Elliott, Hazelbaker, Ryan, Thomas.
Total 4

Absent or not voting: Manley, Mr. President.
Total 2

House Bill No. 149 was concurred in by the following vote:

Ayes: Berg, Blaylock, B. Brown, S. Brown, Conover, Crippen, Eck, Graham, Haffey, Hager, Halligan, Healy, Jacobson, Johnson, Keating, Manning, Mazurek, McCallum, Norman, Olson, Regan, Ryan, Severson, Stimatz, Story, Thomas, Towe, Van Valkenburg.

Total 28

Noes: Aklestad, Anderson, Boylan, Dover, Etchart, Galt, Goodover, Hafferman, Hammond, Himsl, Kolstad, Lee, Nelson, Ochsner, O'Hara, Smith, Stephens, Tveit, Mr. President.
Total 19

Excused: Elliott, Hazelbaker.
Total 2

Absent or not voting: Manley.
Total 1

(Including the following pairs: Thomas, aye - Smith, no; Ryan, aye - Aklestad, no.)

At the request of Senator Towe, and without objection, the Senate reverted to order of Business No. 6.

MOTIONS

Senator Towe moved that the Senate reconsider its action taken on the Adverse Committee Report on Senate Bill No. 295 and that it be printed and placed on Second Reading. Motion failed by the following vote:

Ayes: Berg, B. Brown, Conover, Galt, Hafferman, Haffey, Hager, Halligan, Healy, Jacobson, Kolstad, Lee, Manning, Mazurek, Regan, Severson, Stimatz, Story, Towe, Mr. President.
Total 20

Noes: Aklestad, Anderson, Blaylock, Boylan, S. Brown, Crippen, Dover, Elliott, Etchart, Goodover, Graham, Hammond, Hazelbaker, Himsl, Johnson, Keating, Manley, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Smith, Stephens, Thomas, Tveit, Van Valkenburg.
Total 28

Excused: Ryan.
Total 1

Absent or not voting: Eck.
Total 1

(Including the following pairs: Jacobson, aye - Hazelbaker, no; Towe, aye - Elliott, no.)

Upon motion of Senator Hammond, duly carried, that Senate Bill No. 256 pass consideration.

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Regan in the Chair.

Senate resumed. President Pro Tempore Kolstad in the Chair.

Mr. President Pro Tempore: We, your Committee of the Whole, having had under consideration business on Second Reading, recommend as follows:

That Senate Bill No. 16 do pass by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum,

Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Severson, Smith, Stephens, Stimatz, Story, Towe, Tveit, Van Valkenburg, Mr. President.
Total 46

Noes: None.
Total 0

Excused: Elliott, Hazelbaker, Ryan, Thomas.
Total 4

Absent or not voting: None.
Total 0

That Senate Bill No. 155, without objection, be moved to the bottom of the board.

That Senate Bill No. 156 do pass by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Severson, Smith, Stephens, Stimatz, Story, Towe, Tveit, Van Valkenburg, Mr. President.
Total 46

Noes: None.
Total 0

Excused: Elliott, Hazelbaker, Ryan, Thomas.
Total 4

Absent or not voting: None.
Total 0

Senator Thomas entered the Senate Chambers at 3:02 p.m.

That Senate Bill No. 166 do pass by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 47

Noes: None.
Total 0

Excused: Elliott, Hazelbaker, Ryan.
Total 3

Absent or not voting: None.
Total 0

That Senate Bill No. 182 do pass by the following vote:

Ayes: Anderson, Berg, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Etchart, Galt, Hager, Halligan, Hammond, Himsl, Johnson, Keating, Mazurek, O'Hara, Olson, Regan, Smith, Stimatz, Thomas, Towe.
Total 25

Noes: Aklestad, Blaylock, Goodover, Graham, Hafferman, Haffey, Healy, Jacobson, Kolstad, Lee, Manley, Manning, Nelson, Norman, Ochsner, Stephens, Tveit, Van Valkenburg.
Total 18

Excused: Elliott, Hazelbaker, Ryan.
Total 3

Absent or not voting: McCallum, Severson, Story, Mr. President.
Total 4

That Senate Bill No. 218 do pass by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 47

Noes: None.
Total 0

Excused: Elliott, Hazelbaker, Ryan.
Total 3

Absent or not voting: None.
Total 0

That Senate Bill No. 244 do pass by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 47

Noes: None.
Total 0

Excused: Elliott, Hazelbaker, Ryan.
Total 3

Absent or not voting: None.
Total 0

That Senate Bill No. 278 do pass by the following vote:

Ayes: Aklestad, Boylan, B. Brown, Crippen, Dover, Etchart, Galt, Goodover, Graham, Hafferman, Hager, Hammond, Healy, Himsl, Johnson, Keating, Kolstad, Lee, Manley, McCallum, O'Hara, Olson, Severson, Stephens, Story, Thomas, Tveit, Mr. President.
Total 28

Noes: Berg, Blaylock, S. Brown, Conover, Eck, Haffey, Halligan, Jacobson, Mazurek, Norman, Ochsner, Regan, Stimatz, Towe, Van Valkenburg.
Total 15

Excused: Elliott, Hazelbaker, Ryan.
Total 3

Absent or not voting: Anderson, Manning, Nelson, Smith.
Total 4

That Senate Bill No. 286 be amended as follows:

1. Title, line 19.
Following: "46-23-406"
Strike: "THROUGH 46-23-410"
Following: "46-23-413 THROUGH"
Insert: "46-23-415,"

Amendment passed by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 47

Noes: None.
Total 0

Excused: Elliott, Hazelbaker, Ryan.
Total 3

Absent or not voting: None.
Total 0

That Senate Bill No. 286 be amended as follows:

1. Page 3, lines 8 through 11.
Following: "program." on line 8
Strike: the remainder of subsection (6)

Amendment passed by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 47

Noes: None.
Total 0

Excused: Elliott, Hazelbaker, Ryan.
Total 3

Absent or not voting: None.
Total 0

That Senate Bill No. 286, as amended, do pass by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Etchart, Galt, Goodover, Graham,

Hafferman, Haffey, Hager, Halligan, Hammond, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Tveit, Van Valkenburg, Mr. President.
Total 46

Noes: Towe.
Total 1

Excused: Elliott, Hazelbaker, Ryan.
Total 3

Absent or not voting: None.
Total 0

That Senate Bill No. 302 do pass by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 47

Noes: None.
Total 0

Excused: Elliott, Hazelbaker, Ryan.
Total 3

Absent or not voting: None.
Total 0

That Senate Bill No. 303 do pass by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 47

Noes: None.
Total 0

Excused: Elliott, Hazelbaker, Ryan.
Total 3

Absent or not voting: None.
Total 0

That Senate Bill No. 316 do pass by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.

Total 47

Noes: None.
Total 0

Excused: Elliott, Hazelbaker, Ryan.
Total 3

Absent or not voting: None.
Total 0

That Senate Bill No. 319 do pass by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 47

Noes: None.
Total 0

Excused: Elliott, Hazelbaker, Ryan.
Total 3

Absent or not voting: None.
Total 0

That Senate Joint Resolution No. 11 do pass by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 47

Noes: None.
Total 0

Excused: Elliott, Hazelbaker, Ryan.
Total 3

Absent or not voting: None.
Total 0

That House Bill No. 182 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 47

Noes: None.
Total 0

Excused: Elliott, Hazelbaker, Ryan.
Total 3

Absent or not voting: None.
Total 0

That House Bill No. 232 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 47

Noes: None.
Total 0

Excused: Elliott, Hazelbaker, Ryan.
Total 3

Absent or not voting: None.
Total 0

That Senate Bill No. 155 pass consideration. Unanimously passed.

That the Committee rise and report. (Regan, Chairman)

Upon motion of Senator Regan, duly carried, the foregoing Report of the Committee of the Whole was adopted.

During Committee of the Whole, former United States Senator Yarborough from Texas addressed the Senate.

At the request of the President Pro Tempore, and without objection, the Senate reverted to Order of Business No. 2.

REPORTS OF STANDING COMMITTEES

LABOR AND EMPLOYMENT RELATIONS (Nelson, Chairman):
SB 64, do pass. Report adopted.
HB 118, be concurred in. Report adopted.
HB 124, be concurred in. Report adopted.

MOTIONS

Upon motion of Senator McCallum, duly carried, that Senate Bill No. 155 be rereferred to the Committee on Local Government.

FIRST READING OF BILLS

The following Senate bills were introduced, read first time and referred to committees:

SB 420, introduced by Judiciary Committee, (By Request of the Senate Judiciary Committee). Referred to Committee on Business and Industry.
SB 421, introduced by Judiciary Committee. Referred to Committee on Business and Industry.
SB 422, introduced by Graham, Manning. Referred to Committee on Highways and Transportation.
SB 423, introduced by Dover, McCallum, Hammond, Van Valkenburg, Kropp. Referred to Committee on Taxation.

SB 424, introduced by Himsl, S. Brown, (By Request of the Legislative Audit Committee). Referred to Committee on State Administration.

SB 425, introduced by Himsl, S. Brown, (By Request of the Legislative Audit Committee). Referred to Committee on Public Health, Welfare and Safety.

SB 426, introduced by Himsl, S. Brown, (By Request of the Legislative Audit Committee). Referred to Committee on Public Health, Welfare and Safety.

SB 427, introduced by S. Brown, Himsl, (By Request of the Legislative Audit Committee). Referred to Committee on Public Health, Welfare and Safety.

At the request of the President Pro Tempore, and without objection, the Senate reverted to Order of Business No. 2.

REPORTS OF STANDING COMMITTEES

PRINTING (O'Hara, Chairman):

Correctly printed and placed on the members' desks - SB 212, SB 241. Report adopted.

BILLS (O'Hara, Chairman):

Correctly engrossed - SB 123, SJR 4. Report adopted.

Upon motion of Senator Stephens, duly carried, the Senate adjourned at 4:57 p.m. until Wednesday, February 11, at the hour of 2:30 p.m.

ALLEN C. KOLSTAD
President Pro Tempore of the Senate

JOHN W. LARSON
Secretary of the Senate

THIRTY-THIRD LEGISLATIVE DAY

Helena, Montana
February 11, 1981

Senate Chambers
Capitol Building

Senate convened at 2:30 p.m., President Turnage presiding. Invocation by the Chaplain. Pledge of Allegiance to the Flag.

Roll call. All members present except Manning, excused. Quorum present.

Mr. President: We, your Committee on Bills and Journal, having examined the daily journal for the Thirty-second Legislative Day, find the same to be correct.

O'HARA, Chairman

REPORTS OF STANDING COMMITTEES

PRINTING (O'Hara, Chairman):
Correctly printed and placed on the members' desks - SB 64, SB 184, SB 228, SB 401, SJR 5. Report adopted.

BILLS (O'Hara, Chairman):
Correctly engrossed - SB 16, SB 156, SB 166, SB 182, SB 218, SB 244, SB 278, SB 286, SB 302, SB 303, SB 316, SB 319, SJR 11. Report adopted.

BUSINESS AND INDUSTRY (Hazelbaker, Chairman):
SB 299, do pass. Report adopted.

SB 333, introduced bill, be amended as follows:

1. Page 8, line 6.
Following: "approved"
Insert: "by the commissioner"

And, as so amended, do pass. Report adopted.

HIGHWAYS AND TRANSPORTATION (Etchart, Chairman):
SB 346, introduced bill, be amended as follows:

1. Title, line 6.
Following: "WEIGHT"
Insert: "AND LENGTH"

2. Title, line 11.
Following: "15-70-312,"
Insert: "61-10-104,"

3. Page 2, following line 7.
Insert: "Section 2. Section 61-10-104, MCA, is amended to read:

"61-10-104. Length. (1) A single truck, bus, or any self-propelled vehicle, unladen or with load, may not have an overall length, inclusive of front and rear bumpers, in excess of 40 feet.

(2) A combination of truck and trailer, tractor and semitrailer, tractor-semitrailer-full-trailer, or tractor-semitrailer-semitrailer converted to a trailer by use of a dolly equipped with a fifth wheel may not have an overall length, inclusive of front and rear bumpers, in excess of ~~60~~ *65* feet. If the combination consists of more than two units, the rear units of the combination shall be equipped with breakaway brakes.

(3) A motor vehicle may not tow more than one motor vehicle, and a motor vehicle may not draw more than two motor vehicles attached to it by the dual saddle-mount method; that is, by mounting the front wheels of one vehicle on the bed of another, leaving only the rear wheels of the vehicle in contact with the roadway, nor may this combination have an overall length, inclusive of front and rear bumpers, in excess of ~~60~~ *65* feet.

(4) A passenger vehicle or truck of less than 2,000 pounds "manufacturers' rated capacity" may not tow more than one trailer or semitrailer, nor may this combination have an overall length, inclusive of front and rear bumpers, in excess of ~~60~~ *65* feet.""

Renumber: all subsequent sections

4. Page 4, following line 3.
Insert: "(3) This section does not apply to highways which are a part of the national system of interstate and defense highways (as referred to in 23 U.S.C. 127) when application of this section would prevent this state from receiving federal funds for highway purposes."

And, as so amended, do pass. Report adopted.

JUDICIARY (Anderson, Chairman):
SB 216, do pass. Report adopted.

SB 309, introduced bill, be amended as follows:

1. Page 1, line 18.
Following: "board"
Strike: "or"
Insert: "and"

And, as so amended, do pass. Report adopted.

SB 311, do pass. Report adopted.
SB 312, do pass. Report adopted.
SB 342, do pass. Report adopted.

LABOR AND EMPLOYMENT RELATIONS (Nelson, Chairman):
SB 226, introduced bill, be amended as follows:

1. Page 4, line 18.
Following: "performed,"
Insert: "requires coverage under the Workers' Compensation Act under said contract,"

And, as so amended, do pass. Report adopted.

STATE ADMINISTRATION (Story, Chairman):
SB 298, introduced bill, be amended as follows:

1. Page 1, line 10.
Following: "prohibited."
Insert: "(1)"

2. Page 1, line 15.
Following: line 14
Insert: "(2) If a person or the administrative code committee objects to a rule on the basis of subsection (1), the rule may not be adopted unless the agency makes a written determination that:

(a) the bill was rejected for reasons not related to the portion being implemented;

(b) the bill was rejected as being redundant with an existing law authorizing the rule; or

(c) a law passed at the same or more recent session authorizes the adoption of the rule.

(3) The provisions of 2-4-305 (6) apply to this section."

And, as so amended, do pass. Report adopted.

LABOR AND EMPLOYMENT RELATIONS (Nelson, Chairman):
SB 318, do not pass.

Thereupon, the Adverse Committee Report was adopted by the following roll call vote:

Ayes: Aklestad, Anderson, Blaylock, Boylan, S. Brown, Conover, Crippen, Dover, Elliott, Etchart, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Manley, Mazurek, McCallum, Nelson, Norman, Ochsner, Olson, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 41

Noes: Berg, B. Brown, Eck, Hafferman, Regan.
Total 5

Excused: Manning.
Total 1

Absent or not voting: Lee, O'Hara, Ryan.
Total 3

STATE ADMINISTRATION (Story, Chairman):
SB 202, do not pass.

Thereupon, the Adverse Committee Report was adopted by the following roll call vote:

Ayes: Aklestad, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Tveit.
Total 43

Noes: Anderson, Mazurek, Regan, Towe, Van Valkenburg, Mr. President.
Total 6

Excused: Manning.
Total 1

Absent or not voting: None.
Total 0

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

Senate Bill No. 123 was passed by the following vote:

Ayes: Aklestad, Anderson, Dover, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Hager, Hammond, Hazelbaker, Keating, Kolstad, Lee,

Manley, Manning, McCallum, Nelson, Ochsner, O'Hara, Olson, Severson, Smith, Stephens, Story, Tveit, Mr. President.
Total 28

Noes: Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Eck, Haffey, Halligan, Healy, Himsl, Jacobson, Johnson, Mazurek, Norman, Regan, Ryan, Stimatz, Thomas, Towe, Van Valkenburg.
Total 22

Excused: None.
Total 0

Absent or not voting: None.
Total 0

(Including the following pair: Manning, aye - Blaylock, no.)

Senate Bill No. 304 was passed by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Manning.
Total 1

Absent or not voting: None.
Total 0

Senate Bill No. 305 was passed by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Mr. President.
Total 47

Noes: Hager, Van Valkenburg.
Total 2

Excused: Manning.
Total 1

Absent or not voting: None.
Total 0

Senate Bill No. 306 was passed by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith,

Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Manning.
Total 1

Absent or not voting: None.
Total 0

Senate Bill No. 308 was passed by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Manning.
Total 1

Absent or not voting: None.
Total 0

Senate Joint Resolution No. 4 was passed by the following vote:

Ayes: Aklestad, Anderson, Boylan, Dover, Etchart, Goodover, Graham, Hafferman, Hammond, Hazelbaker, Healy, Johnson, Kolstad, Lee, Manley, McCallum, Nelson, Ochsner, O'Hara, Olson, Ryan, Smith, Stephens, Thomas, Tveit.
Total 25

Noes: Berg, Blaylock, B. Brown, S. Brown, Conover, Crippen, Eck, Elliott, Haffey, Hager, Halligan, Himsl, Jacobson, Keating, Mazurek, Norman, Regan, Severson, Stimatz, Story, Towe, Van Valkenburg, Mr. President.
Total 23

Excused: Manning.
Total 1

Absent or not voting: Galt.
Total 1

House Bill No. 47 was concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.

Total 0

Excused: Manning.
Total 1

Absent or not voting: None.
Total 0

House Bill No. 253 was concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Mr. President.
Total 48

Noes: Van Valkenburg.
Total 1

Excused: Manning.
Total 1

Absent or not voting: None.
Total 0

House Bill No. 255 was concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: Olson.
Total 1

Excused: Manning.
Total 1

Absent or not voting: None.
Total 0

At the request of the President, and without objection, the Senate reverted to Order of Business No. 7.

FIRST READING OF BILLS

The following Senate bills were introduced, read first time and referred to committees:

SB 428, introduced by Keating, J. O'Hara, Winslow, D. O'Hara. Referred to Committee on Labor and Employment Relations.

SB 429, introduced by Eck, Berg, Haffey, Smith, Hager, Ryan, Lee, Towe, Vincent, J. Jacobson, Norman. Referred to Committee on State Administration.

SB 430, introduced by Keating, Graham. Referred to Committee on State Administration.

SB 431, introduced by Hager, Gould, Eudaily, Ryan. Referred to Committee on Public Health, Welfare and Safety.

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Aklestad in the Chair.

Senate resumed. President Turnage in the Chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on Second Reading, recommend as follows:

That Senate Bill No. 256 do pass by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Manning.
Total 1

Absent or not voting: None.
Total 0

That Senate Bill No. 14 do pass by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Manley, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 47

Noes: Hafferman, Lee.
Total 2

Excused: Manning.
Total 1

Absent or not voting: None.
Total 0

That Senate Bill No. 98 do pass by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Manning.

Total 1

Absent or not voting: None.
Total 0

That Senate Bill No. 120, without objection, be moved to the bottom of the board.

That Senate Bill No. 164 do pass by the following vote:

Ayes: Anderson, Berg, Blaylock, S. Brown, Conover, Eck, Etchart, Goodover, Hafferman, Haffey, Hager, Halligan, Hazelbaker, Healy, Himsl, Jacobson, Mazurek, Norman, Ochsner, O'Hara, Regan, Ryan, Stimatz, Thomas, Towe, Tveit, Van Valkenburg.
Total 27

Noes: Aklestad, Boylan, B. Brown, Crippen, Dover, Elliott, Galt, Graham, Hammond, Johnson, Keating, Kolstad, Lee, Manley, McCallum, Nelson, Olson, Severson, Smith, Stephens, Story, Mr. President.
Total 22

Excused: Manning.
Total 1

Absent or not voting: None.
Total 0

That Senate Bill No. 199 do pass by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Manning.
Total 1

Absent or not voting: None.
Total 0

That Senate Bill No. 212 pass consideration. Unanimously passed.

That Senate Bill No. 222 do pass by the following vote:

Ayes: Aklestad, Anderson, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: Berg.
Total 1

Excused: Manning.

Total 1

Absent or not voting: None.
Total 0

That Senate Bill No. 232 do pass by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Manning.
Total 1

Absent or not voting: None.
Total 0

That Senate Bill No. 238 pass consideration. Unanimously passed.

That Senate Bill No. 239 do pass by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Manning.
Total 1

Absent or not voting: None.
Total 0

That Senate Bill No. 241 do pass by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Manning.
Total 1

Absent or not voting: None.

Total 0

That Senate Bill No. 261 do pass by the following vote:

Ayes: Aklestad, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 46

Noes: Anderson, Crippen, Hager.
Total 3

Excused: Manning.
Total 1

Absent or not voting: None.
Total 0

That Senate Bill No. 275 do pass by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Manning.
Total 1

Absent or not voting: None.
Total 0

That Senate Bill No. 307 do pass by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Manning.
Total 1

Absent or not voting: None.
Total 0

That Senate Bill No. 330 do pass by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham,

Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Manning.
Total 1

Absent or not voting: None.
Total 0

That Senate Bill No. 350 do pass by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Manning.
Total 1

Absent or not voting: None.
Total 0

That Senate Amendment to Senate Rules be adopted by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Mr. President.
Total 48

Noes: Van Valkenburg.
Total 1

Excused: Manning.
Total 1

Absent or not voting: None.
Total 0

That House Bill No. 21 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Keating, Kolstad, Lee, Manley, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith,

Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: Johnson.
Total 1

Excused: Manning.
Total 1

Absent or not voting: None.
Total 0

That House Joint Resolution No. 7 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Manning.
Total 1

Absent or not voting: None.
Total 0

That Senate Bill No. 120 be amended as follows:

1. Page 3, line 25 through page 4, line 4.
Following: "court" on line 25
Strike: the remainder of Section (6)

Amendment passed by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 46

Noes: S. Brown, Hafferman, Ryan.
Total 3

Excused: Manning.
Total 1

Absent or not voting: None.
Total 0

That Senate Bill No. 120, as amended, do pass by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl,

Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: Ryan.
Total 1

Excused: Manning.
Total 1

Absent or not voting: None.
Total 0

That the Committee rise and report. (Aklestad, Chairman)

That Senate Bill No. 164 be segregated from the Committee of the Whole Report. Unanimously passed.

Upon motion of Senator Aklestad, duly carried, the foregoing Report of the Committee of the Whole was adopted.

At the request of the President, and without objection, the Senate reverted to Order of Business No. 2.

REPORTS OF STANDING COMMITTEES

The Senate will please take note that the President did, at the hour of 3:45 p.m., 2/11/81, sign the following bills:
HB 62, HB 70, HB 76, HB 149, HJR 8.

Jean A. Turnage
President

BUSINESS AND INDUSTRY (Hazelbaker, Chairman):
SB 249, introduced bill, be amended as follows:

1. Page 1, line 12.
Following: "the"
Strike: "keg or"

2. Page 1, line 18.
Following: "of the"
Strike: "keg or"

3. Page 1, line 19.
Following: "If a"
Strike: remainder of line 19

4. Page 1, lines 20 and 21.
Following: "may,"
Strike: remainder of line 20 through "keg," on line 21

5. Page 1, line 25.
Following: "period of"
Strike: "1 year"
Insert: "30 days"

6. Page 2, line 4.
Following: "personnel"
Insert: "and minors are present"

And, as so amended, do pass. Report adopted.

LOCAL GOVERNMENT (McCallum, Chairman):
SB 328, do pass. Report adopted.

PUBLIC HEALTH, WELFARE AND SAFETY (Hager, Chairman):
SB 365, introduced bill, be amended as follows:

1. Page 1, line 23.
Following: "Pharmacopoeia"
Strike: "and in the Homeopathic Pharmacopoeia"

2. Page 1, line 25.
Following: "apply"
Strike: line 25 through line 3, page 2 in their entirety

And, as so amended, do pass. Report adopted.

SB 393, do pass. Report adopted.

TAXATION (Goodover, Chairman):
SB 85, introduced bill, be amended as follows:

1. Page 1, line 11.
Following: "raffles."
Insert: "(1)"

2. Page 1, line 12.
Following: "to"
Strike: "raffles"
Insert: "a raffle"

3. Page 1, line 14.
Following: "organizations"
Strike: "if the"
Insert: "when the corporation or organization is licensed by the board of county commissioners to conduct the raffle.

(2) The organization or corporation seeking the license under subsection (1) must apply to the board of county commissioners for the license and must provide the following information:

(a) the cost and number of raffle tickets to be sold;

(b) the charitable purposes the proceeds of the raffle are intended to benefit;

(c) the proposed prizes and their value.

(3) The"

4. Page 1, line 15.
Following: "are"
Insert: "to be"

5. Page 1, line 16.
Following: "prizes."
Insert: "The raffle prize must be in tangible personal property only and not in money, cash, stock, bonds, evidence of indebtedness, or other intangible personal property."

6. Page 1, line 18.
Following: line 17
Insert: "(4) The corporation or organization conducting the raffle must submit an accounting to the board of county commissioners within 30 days following the completion of the raffle. The person or

persons submitting the application to the board of county commissioners along with the corporation or organization conducting the raffle shall be responsible for submitting the accounting to the board of county commissioners."

And, as so amended, do pass. Report adopted.

FIRST READING OF BILLS

The following Senate bills were introduced, read first time and referred to committees:

SB 432, introduced by Van Valkenburg, Quilici, Story, Fabrega, Hazelbaker, Kemmis, Shontz, Lory, (By Request of the Office of the Governor). Referred to Committee on State Administration.
SB 433, introduced by Hager, Burnett, Gould, Dover, Severson. Referred to Committee on Public Health, Welfare and Safety.
SB 434, introduced by Tveit. Referred to Committee on Highways and Transportation.
SB 435, introduced by Regan. Referred to Committee on State Administration.
SB 436, introduced by Himsl, (By Request of the Senate Finance and Claims Committee). Referred to Committee on Finance and Claims.
SB 437, introduced by M. Anderson, (By Request of the Senate Judiciary Committee). Referred to Committee on State Administration.
SB 438, introduced by M. Anderson, (By Request of the Senate Judiciary Committee). Referred to Committee on Labor and Employment Relations.
SB 439, introduced by Dover, Johnson, Keating. Referred to Committee on Labor and Employment Relations.
SB 440, introduced by McCallum, B. Brown, (By Request of the Senate Committee on Education and Cultural Resources). Referred to Committee on Education and Cultural Resources.
SB 441, introduced by Smith, S. Brown. Referred to Committee on State Administration.

At the request of Senator Anderson, and without objection, the Senate reverted to Order of Business No. 6.

MOTIONS

Upon motion of Senator Anderson, duly carried, that Senate Bill No. 238 be taken from Second Reading and rereferred to Committee on Judiciary.

Upon motion of Senator Stephens, duly carried, the Senate adjourned at 4:39 p.m. until Thursday, February 12, at the hour of 2:30 p.m.

JEAN A. TURNAGE
President of the Senate

JOHN W. LARSON
Secretary of the Senate

THIRTY-FOURTH LEGISLATIVE DAY

Helena, Montana
February 12, 1981

Senate Chambers
Capitol Building

Senate convened at 2:30 p.m., President Turnage presiding. Invocation by the Chaplain. Pledge of Allegiance to the Flag.

Roll call. All members present except Manning, excused. Quorum present.

Mr. President: We, your Committee on Bills and Journal, having examined the daily journal for the Thirty-third Legislative Day, find the same to be correct.

O'HARA, Chairman

REPORTS OF STANDING COMMITTEES

PRINTING (O'Hara, Chairman):
Correctly printed and placed on the members' desks - SB 85, SB 216, SB 226, SB 249, SB 298, SB 299, SB 309, SB 311, SB 312, SB 328, SB 333, SB 342, SB 346, SB 365, SB 393. Report adopted.

BILLS (O'Hara, Chairman):
Correctly engrossed - SB 14, SB 98, SB 120, SB 199, SB 222, SB 232, SB 239, SB 241, SB 256, SB 261, SB 275, SB 307, SB 330, SB 350. Report adopted.

AGRICULTURE, LIVESTOCK AND IRRIGATION (Galt, Chairman):
SB 347, introduced bill, be amended as follows:

1. Page 2, line 5.
Following: "(1)"
Strike: "supervise the activities of"
Insert: "coordinate with"

And, as so amended, do pass. Report adopted.

FINANCE AND CLAIMS (Himsl, Chairman):
SB 257, third reading bill, be amended as follows:

1. Page 1, line 24.
Strike: "$27"
Insert: "$24"

And, as so amended, do pass. Report adopted.

JUDICIARY (Anderson, Chairman):
SB 57, introduced bill, be amended as follows:

1. Title, line 7.
Following: "BY"
Insert: "EXPANDING"

2. Title, line 8.
Following: "OF"
Strike: "EXPANDING"

3. Page 2, line 13 through line 18.
Strike: subsection (e) in its entirety

4. Page 2, line 7.
Following: ;

Insert: "or"

5. Page 2, line 12.
Following: "origin
Strike: ; or"
Insert: "."

And, as so amended, do pass. Report adopted.

SB 268, introduced bill, be amended as follows:

1. Title, line 4.
Following: "TO"
Strike: "TAX"
Insert: "ASSESS"

2. Line 16.
Following: "hearing,"
Strike: "tax"
Insert: "assess"

3. Line 18.
Following: "under"
Strike: "3-5-201"
Insert: "3-15-201"

4. Line 19 through line 20.
Following: "against"
Strike: "the parties in equal proportion"
Insert: "any party"

And, as so amended, do pass. Report adopted.

LOCAL GOVERNMENT (McCallum, Chairman):
SB 204, introduced bill, be amended as follows:

1. Title, line 5.
Following: "TO"
Strike: "35"
Insert: "34"

2. Page 1, line 10.
Following: "firefighters."
Insert: "The state of Montana determines that age is a valid, bona fide occupational qualification for the position of firefighter because of the rigorous physical demands of the firefighting profession and the expectation of many years of emergency service."

3. Page 1, line 12.
Following: "than"
Strike: "35"
Insert: "34"

And, as so amended, do pass. Report adopted.

TAXATION (Goodover, Chairman):
SB 255, introduced bill, be amended as follows:

1. Title, line 7.
Following: "MCA"
Insert: "; PROVIDING APPLICABILITY; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE"

2. Page 4, line 7.

Insert: "Section 3. Applicability. [This act] applies to estates of decedents dying after [the effective date of this act].

Section 4. Effective date. This act is effective upon passage and approval."

And, as so amended, do pass. Report adopted.

HIGHWAYS AND TRANSPORTATION (Etchart, Chairman):
HB 322, be concurred in. Report adopted.

STATE ADMINISTRATION (Story, Chairman):
SB 266, do not pass.

Thereupon, the Adverse Committee Report was adopted by the following roll call vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 44

Noes: Dover, Kolstad, Lee, Manley, Mazurek.
Total 5

Excused: Manning.
Total 1

Absent or not voting: None.
Total 0

PUBLIC HEALTH, WELFARE AND SAFETY (Hager, Chairman):
HJR 15, third reading bill, be amended as follows:

1. Title, line 12.
Following: "~~ALL~~"
Strike: "INNOCENT HUMAN LIFE, INCLUDING"

2. Title, lines 13 through 18.
Following: "CHILDREN" on line 13
Strike: the remainder of the title

3. Page 2, lines 4 and 5.
Following: "~~all~~" on line 4
Strike: "innocent human life, including"

4. Page 2, line 7.
Following: "~~all~~"
Strike: "innocent human life, including"

5. Page 2, lines 13 through 18.
Following: "necessary"
Strike: the remainder of line 13 through line 18

6. Page 2, line 25.
Following: "~~all~~"
Strike: "innocent human life, including"

7. Page 3, line 3 through line 14 on page 4.
Strike: subsections (2) through (5) in their entirety
Renumber: subsequent subsections

8. Page 4, line 22 through line 1 on page 5.
Strike: subsection (7) in its entirety

And, as so amended, do not pass. Report not adopted.

Thereupon, the Adverse Committee Report failed by the following roll call vote:

Ayes: Berg, Blaylock, B. Brown, S. Brown, Conover, Eck, Elliott, Goodover, Graham, Halligan, Hazelbaker, Jacobson, Johnson, Manley, Mazurek, McCallum, Nelson, Norman, Ochsner, Regan, Stephens, Towe, Tveit, Van Valkenburg.
Total 24

Noes: Aklestad, Anderson, Boylan, Crippen, Dover, Etchart, Galt, Hafferman, Haffey, Hager, Hammond, Healy, Himsl, Keating, Kolstad, Lee, O'Hara, Olson, Ryan, Severson, Smith, Stimatz, Story, Thomas, Mr. President.
Total 25

Excused: Manning.
Total 1

Absent or not voting: None.
Total 0

MOTIONS

Upon motion of Senator Stephens, duly carried, the Senate recessed subject to the Call of the Chair.

Senate recessed at 2:43 p.m.

Senate resumed at 2:50 p.m.

Motion was made by Senator Stephens that House Joint Resolution No. 15 as amended be placed on Second Reading for Saturday, February 14, 1981. Motion carried by the following vote:

Ayes: Aklestad, Anderson, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Mazurek, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Mr. President.
Total 43

Noes: Berg, Halligan, Lee, Manley, McCallum, Van Valkenburg.
Total 6

Excused: Manning.
Total 1

Absent or not voting: None.
Total 0

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following Senate Bill was on 2/11/81, concurred in and returned to the Senate:

Senate Bill No. 157, introduced by Graham (94-3)

Senate Amendments to the following House Bill were on 2/11/81, concurred in on Third Reading by the House:

House Bill No. 52, introduced by Feda (93-2)

The following House Bills were on 2/11/81, passed and transmitted to the Senate for concurrence:

House Bill No. 75, introduced by Harper (91-5)

House Bill No. 79, introduced by Harper (69-27)

House Bill No. 415, introduced by Sivertsen (96-0)

House Bill No. 484, introduced by Nordtvedt (91-5)

House Bill No. 56, introduced by Kessler (52-43)

House Bill No. 67, introduced by Fabrega (98-0)

House Bill No. 156, introduced by Nordtvedt (95-2)

House Bill No. 237, introduced by McBride (87-10)

House Bill No. 397, introduced by McBride (87-10)

House Bill No. 420, introduced by Waldron (94-3)

House Bill No. 445, introduced by Roth (93-4)

House Bill No. 470, introduced by McBride (92-5)

House Bill No. 479, introduced by Donaldson (90-5)

House Bill No. 480, introduced by Matsko (80-17)

House Bill No. 481, introduced by Nordtvedt (96-1)

House Bill No. 482, introduced by Bardanouve (98-10)

House Bill No. 504, introduced by Moore (88-8)

House Bill No. 505, introduced by Moore (88-8)

House Bill No. 517, introduced by Bardanouve (97-0)

House Bill No. 519, introduced by Bardanouve (97-0)

House Bill No. 522, introduced by Stobie (94-3)

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

Senate Bill No. 16 was passed by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Manning.
Total 1

Absent or not voting: None.
Total 0

Senate Bill No. 156 was passed by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Manning.
Total 1

Absent or not voting: None.
Total 0

Senate Bill No. 166 was passed by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Manning.
Total 1

Absent or not voting: None.
Total 0

Senate Bill No. 182 failed to pass by the following vote:

Ayes: Anderson, Berg, Boylan, B. Brown, S. Brown, Conover, Crippen, Eck, Elliott, Etchart, Galt, Hager, Halligan, Hammond, Himsl, Keating, Mazurek, O'Hara, Olson, Regan, Smith, Thomas, Towe.
Total 23

Noes: Aklestad, Blaylock, Dover, Goodover, Graham, Hafferman, Haffey, Hazelbaker, Healy, Jacobson, Johnson, Kolstad, Lee, Manley, McCallum, Nelson, Norman, Ochsner, Ryan, Stephens, Stimatz, Story, Tveit, Van Valkenburg, Mr. President.
Total 25

Excused: Manning.
Total 1

Absent or not voting: Severson.
Total 1

Senate Bill No. 218 was passed by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: Conover.
Total 1

Excused: Manning.
Total 1

Absent or not voting: None.
Total 0

Senate Bill No. 278 was passed by the following vote:

Ayes: Aklestad, Anderson, Boylan, B. Brown, Conover, Crippen, Dover, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Hager, Hammond, Hazelbaker, Himsl, Johnson, Keating, Kolstad, Lee, Manley, McCallum, Nelson, O'Hara, Olson, Ryan, Severson, Stephens, Story, Tveit, Mr. President.
Total 32

Noes: Berg, Blaylock, S. Brown, Eck, Haffey, Halligan, Healy, Jacobson, Mazurek, Norman, Ochsner, Regan, Smith, Stimatz, Thomas, Towe, Van Valkenburg.
Total 17

Excused: Manning.
Total 1

Absent or not voting: None.
Total 0

Senate Bill No. 286 was passed by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: Towe.
Total 1

Excused: Manning.
Total 1

Absent or not voting: None.
Total 0

Senate Bill No. 302 was passed by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith,

Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Manning.
Total 1

Absent or not voting: None.
Total 0

Senate Bill No. 303 was passed by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Manning.
Total 1

Absent or not voting: None.
Total 0

Senate Bill No. 316 was passed by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Manning.
Total 1

Absent or not voting: None.
Total 0

Senate Bill No. 319 was passed by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Stephens, Stimatz, Story, Towe, Tveit, Van Valkenburg, Mr. President.
Total 47

Noes: Smith, Thomas.

Total 2

Excused: Manning.
Total 1

Absent or not voting: None.
Total 0

Senate Joint Resolution No. 11 was passed by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Manning.
Total 1

Absent or not voting: None.
Total 0

House Bill No. 182 was concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Manning.
Total 1

Absent or not voting: None.
Total 0

House Bill No. 232 was concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: Manley.
Total 1

Excused: Manning.
Total 1

Absent or not voting: None.
Total 0

At the request of the President, and without objection, the Senate reverted to Order of Business No. 8.

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator S. Brown in the Chair.

Senate resumed. President Turnage in the Chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on Second Reading, recommend as follows:

That Senate Bill No. 212 do pass by the following vote:

Ayes: Aklestad, Anderson, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Mazurek, McCallum, Nelson, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 46

Noes: Berg, Hammond, Norman.
Total 3

Excused: Manning.
Total 1

Absent or not voting: None.
Total 0

That Senate Bill No. 164 be amended as follows:

1. Page 3, line 22.
Following: "ascertainable;"
Insert: "and"

2. Page 3, line 24.
Following: "employer;"
Strike: "AND"

3. Page 3, line 25 through page 4, line 2.
Strike: subsection (f) in its entirety

4. Page 5, lines 19 through 22.
Strike: Section 11 in its entirety
Renumber: the following section

Amendment passed by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Manning.
Total 1

Absent or not voting: None.
Total 0

That Senate Bill No. 164, as amended, do pass by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Manning.
Total 1

Absent or not voting: None.
Total 0

That Senate Bill No. 64 do pass by the following vote:

Ayes: Aklestad, B. Brown, Dover, Elliott, Etchart, Galt, Goodover, Graham, Hammond, Hazelbaker, Himsl, Johnson, Keating, Kolstad, Lee, Mazurek, Nelson, Ochsner, O'Hara, Olson, Severson, Smith, Stephens, Story, Tveit, Mr. President.
Total 26

Noes: Berg, S. Brown, Conover, Crippen, Eck, Hafferman, Haffey, Halligan, Healy, Jacobson, Norman, Regan, Ryan, Thomas, Towe, Van Valkenburg.
Total 16

Excused: Manning.
Total 1

Absent or not voting: Anderson, Blaylock, Boylan, Hager, Manley, McCallum, Stimatz.
Total 7

That Senate Bill No. 184 do pass by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Manning.
Total 1

Absent or not voting: None.

Total 0

That Senate Bill No. 228 be amended as follows:

1. Page 2, line 21.
Following: "than"
Strike: "three"
Insert: "five"

2. Page 2, line 25.
Following: ";"
Strike: "and"

3. Page 3, line 3.
Following: "court"
Strike: "."
Insert: "; and"

4. Page 3.
Following: line 3
Insert: "(d) the superintendent or his designee of the school district where the child is to be placed."

Amendment passed by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Manning.
Total 1

Absent or not voting: None.
Total 0

That Senate Bill No. 228 be amended as follows:

1. Page 2, lines 17 and 18.
Following: "~~services,~~"
Strike: "the department and"

2. Page 2, line 18.
Following: "court"
Insert: "judge, in consultation with the department,"

3. Page 2, lines 23 and 24.
Following: "department"
Strike: "who shall chair the committee"

Amendment passed by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith,

Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Manning.
Total 1

Absent or not voting: None.
Total 0

That Senate Bill No. 228, as amended, do pass by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Manning.
Total 1

Absent or not voting: None.
Total 0

That Senate Bill No. 401, without objection, be placed at the bottom of the board.

That Senate Joint Resolution No. 5 do pass by the following vote:

Ayes: Aklestad, Boylan, Conover, Crippen, Dover, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Hammond, Hazelbaker, Healy, Himsl, Johnson, Keating, Kolstad, Lee, Manley, McCallum, Nelson, O'Hara, Olson, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit.
Total 35

Noes: Anderson, Berg, Blaylock, S. Brown, Eck, Halligan, Jacobson, Mazurek, Norman, Regan, Van Valkenburg.
Total 11

Excused: Manning.
Total 1

Absent or not voting: B. Brown, Ochsner, Mr. President.
Total 3

That House Bill No. 118 pass consideration. Unanimously passed.

That House Bill No. 124 pass consideration. Unanimously passed.

That House Bill No. 139 pass consideration. Unanimously passed.

That House Bill No. 287 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham,

Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Manning.
Total 1

Absent or not voting: None.
Total 0

That Senate Bill No. 401 be amended as follows:

1. Page 1, line 25.
Following: "sum"
Strike: "not to exceed $50"
Insert: "of $25"

2. Page 1, line 25.
Following: "month"
Insert: "as reimbursement"

3. Page 2, line 3.
Following: "use."
Insert: "No accounting shall be required."

Amendment passed by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Dover, Eck, Etchart, Galt, Graham, Hafferman, Haffey, Halligan, Healy, Himsl, Jacobson, Johnson, Kolstad, Lee, Manley, Mazurek, McCallum, Norman, Ochsner, Olson, Regan, Ryan, Severson, Stimatz, Story, Thomas, Towe, Van Valkenburg, Mr. President.
Total 37

Noes: Crippen, Elliott, Goodover, Hager, O'Hara, Smith, Stephens, Tveit.
Total 8

Excused: Manning.
Total 1

Absent or not voting: Hammond, Hazelbaker, Keating, Nelson.
Total 4

That Senate Bill No. 401, as amended, do pass. Motion failed by the following vote:

Ayes: Berg, B. Brown, S. Brown, Conover, Eck, Graham, Hafferman, Haffey, Halligan, Healy, Himsl, Manley, Mazurek, Norman, Olson, Ryan, Severson, Towe, Van Valkenburg.
Total 19

Noes: Aklestad, Anderson, Blaylock, Boylan, Crippen, Dover, Elliott, Etchart, Galt, Goodover, Hager, Hammond, Hazelbaker, Jacobson, Johnson, Keating, Kolstad, Lee, McCallum, Nelson, Ochsner, O'Hara, Regan, Smith, Stephens, Stimatz, Story, Thomas, Tveit.
Total 29

Excused: Manning.

Total 1

Absent or not voting: Mr. President.
Total 1

That Senate Bill No. 401 be indefinitely postponed. Motion passed by the following vote:

Ayes: Aklestad, Anderson, Blaylock, Boylan, Dover, Eck, Etchart, Galt, Goodover, Hager, Hammond, Hazelbaker, Johnson, Keating, Kolstad, Mazurek, McCallum, Nelson, Ochsner, O'Hara, Regan, Severson, Smith, Stephens, Stimatz, Story, Tveit.
Total 27

Noes: Berg, B. Brown, S. Brown, Conover, Crippen, Elliott, Graham, Haffey, Halligan, Healy, Himsl, Jacobson, Lee, Manley, Norman, Olson, Ryan, Towe, Van Valkenburg.
Total 19

Excused: Manning.
Total 1

Absent or not voting: Hafferman, Thomas, Mr. President.
Total 3

That the Committee rise and report. (S. Brown, Chairman)

Upon motion of Senator S. Brown, duly carried, the foregoing Report of the Committee of the Whole was adopted.

At the request of the President, and without objection, the Senate reverted to Order of Business No. 2.

REPORTS OF STANDING COMMITTEES

The Senate will please take note that the President did, at the hour of 3:30 p.m., 2/12/81, sign the following bill:
HJR 5.

Jean A. Turnage
President

STATE ADMINISTRATION (Story, Chairman):
SB 181, introduced bill, be amended as follows:

1. Page 2, lines 7 and 8.
Following: "probable"
Strike: "quantitative and qualitative"
Insert: "economic"

2. Page 2, lines 8 and 9.
Following: "rule"
Strike: ", including economic impact,"

3. Page 2, line 9.
Following: "persons"
Insert: "and quantifying to the extent practicable that impact"

4. Page 3, lines 5 through 7.
Following: "effect" on line 5
Strike: remainder of lines 5 through 7
Insert: ". If"

5. Page 3, line 9.
Following: "agency"

Insert: ", a rehearing, or initial hearing, must be held by the agency upon completion of the statement"

6. Page 4, line 7.
Following: "that"
Strike: "in its judgment"
Insert: "it determines"

7. Page 4, line 9.
Following: "may"
Insert: "initiate or"

8. Page 4, lines 9 and 10.
Following: "suspended"
Strike: "or renew rulemaking proceedings, once nullified,"

9. Page 4, line 11.
Following: "as"
Strike: "that nullified,"
Insert: "the rule for which proceedings were suspended"

10. Page 4, lines 13 through 17.
Strike: Subsection (5) in its entirety

11. Page 6, line 2.
Following: "2-4-302"
Strike: "or"
Insert: ","
Following: "2-4-303"
Insert: ", or 2-4-405"

And, as so amended, do pass. Report adopted.

SB 270, do pass. Report adopted.
SB 271, do pass. Report adopted.

MOTIONS

Upon motion of Senator B. Brown, duly carried, that Senate Bill No. 227 be taken from Committee on Judiciary, and printed and placed on Second Reading. Motion carried by the following vote:

Ayes: Blaylock, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Graham, Hager, Hammond, Hazelbaker, Himsl, Johnson, Keating, Lee, Mazurek, Nelson, O'Hara, Olson, Regan, Severson, Smith, Stephens, Towe, Mr. President.
Total 26

Noes: Aklestad, Anderson, Berg, Boylan, Etchart, Galt, Hafferman, Haffey, Halligan, Healy, Jacobson, Kolstad, Manley, McCallum, Norman, Ochsner, Ryan, Stimatz, Story, Thomas, Tveit, Van Valkenburg.
Total 22

Excused: Manning.
Total 1

Absent or not voting: Goodover.
Total 1

Upon motion of Senator Dover, duly carried, that Senate Bill No. 450 be taken from Committee on State Administration and rereferred to Committee on Natural Resources.

Senator Van Valkenburg moved that the Senate reconsider its action taken on the adoption of an Adverse Committee Report on Senate Bill

No. 202 and that it be printed and placed on Second Reading. Motion failed by the following vote:

Ayes: Berg, Blaylock, S. Brown, Conover, Eck, Haffey, Halligan, Healy, Jacobson, Mazurek, Norman, O'Hara, Regan, Ryan, Thomas, Towe, Van Valkenburg, Mr. President.
Total 18

Noes: Aklestad, B. Brown, Crippen, Dover, Elliott, Etchart, Galt, Goodover, Graham, Hager, Hammond, Hazelbaker, Himsl, Johnson, Keating, Kolstad, Lee, Manley, McCallum, Nelson, Ochsner, Olson, Severson, Smith, Stephens, Stimatz, Story, Tveit.
Total 28

Excused: Manning.
Total 1

Absent or not voting: Anderson, Boylan, Hafferman.
Total 3

FIRST READING OF BILLS

The following Senate bills were introduced, read first time and referred to committees:

SB 442, introduced by S. Brown, Himsl, (By Request of the Legislative Audit Committee). Referred to Committee on Local Government.
SB 443, introduced by Towe, Norman, Fabrega, Kemmis, Van Valkenburg, Thomas, Ryan, Eck, Stimatz, J. Jacobson, Conover, Berg, Nordtvedt, Dussault, Marks, Hurwitz, Iverson. Referred to Committee on Finance and Claims.
SB 444, introduced by Hazelbaker, (By Request of the Senate Business and Industry Committee). Referred to Committee on Business and Industry.
SB 445, introduced by Hazelbaker, (By Request of the Senate Business and Industry Committee). Referred to Committee on Business and Industry.
SB 446, introduced by B. Brown. Referred to Committee on Taxation.
SB 447, introduced by Aklestad. Referred to Committee on Taxation.
SB 448, introduced by M. Anderson, (By Request of the Senate Judiciary Committee). Referred to Committee on Finance and Claims.
SB 449, introduced by Turnage, Himsl, Bardanouve, (By Request of the Senate Legislative Administration Committee). Referred to Committee on Finance and Claims.
SB 450, introduced by McCallum. Referred to Committee on State Administration.
SB 451, introduced by Manley, Goodover. Referred to Committee on Local Government.
SB 452, introduced by Himsl, S. Brown, (By Request of the Legislative Audit Committee). Referred to Committee on Public Health, Welfare and Safety.
SB 453, introduced by Himsl, S. Brown, (By Request of the Legislative Audit Committee). Referred to Committee on Public Health, Welfare and Safety.
SB 454, introduced by Goodover. Referred to Committee on Rules.
SB 455, introduced by Johnson, (By Request of the Office of the Secretary of State). Referred to Committee on State Administration.

The following House bills were introduced, read first time and referred to committees:

HB 56, introduced by Kessler, (By Request of the Study Committee on Annexation Laws). Referred to Committee on Local Government.

HB 67, introduced by Fabrega, Goodover, Jacobsen, Metcalf, Bergene, (By Request of the Department of Social and Rehabilitation Services). Referred to Committee on Business and Industry.

HB 75, introduced by Harper, (By Request of the Department of Labor and Industry). Referred to Committee on Labor and Employment Relations.

HB 79, introduced by Harper, (By Request of the Department of Labor and Industry). Referred to Committee on Labor and Employment Relations.

HB 156, introduced by Nordtvedt, Dover, Harp, Cozzens. Referred to Committee on Taxation.

HB 237, introduced by McBride, B. Brown, (By Request of the Department of Natural Resources and Conservation). Referred to Committee on Taxation.

HB 397, introduced by McBride, Kemmis. Referred to Committee on Natural Resources.

HB 415, introduced by Sivertsen, (By Request of the Department of Revenue). Referred to Committee on Taxation.

HB 420, introduced by Waldron, (By Request of the Department of Institutions). Referred to Committee on Public Health, Welfare and Safety.

HB 445, introduced by Roth, Hammond, Keyser, Iverson, Sivertsen, Kolstad. Referred to Committee on Public Health, Welfare and Safety.

HB 470, introduced by McBride, Roth, Metcalf. Referred to Committee on State Administration.

HB 479, introduced by Donaldson, S. Brown. Referred to Committee on Local Government.

HB 480, introduced by Matsko, Keyser, Schultz, Devlin, Moore, Hemstad, J. O'Hara, Nilson, Goodover, Briggs, Keedy. Referred to Committee on Judiciary.

HB 481, introduced by Nordtvedt. Referred to Committee on State Administration.

HB 482, introduced by Bardanouve, (By Request of the Department of Administration). Referred to Committee on Finance and Claims.

HB 484, introduced by Nordtvedt, Azzara. Referred to Committee on State Administration.

HB 504, introduced by Moore. Referred to Committee on Public Health, Welfare and Safety.

HB 505, introduced by Moore, Marks. Referred to Committee on State Administration.

HB 517, introduced by Bardanouve, (By Request of the Department of Institutions). Referred to Committee on Public Health, Welfare and Safety.

HB 519, introduced by Bardanouve, (By Request of the Legislative Audit Committee). Referred to Committee on Finance and Claims.

HB 522, introduced by Stobie, Underdal, Ellison, Iverson, Burnett, Andreason, Marks, Conn, Kanduch, Keyser, Bennett, Kropp, Ellerd, Hurwitz, Sivertsen, McLane, Asay, Conroy, Devlin, Hemstad, Vinger, Feda, Schultz, Anderson, Manuel, Jacobsen, Gould, Jensen, Dussault, Quilici, Curtiss, Donaldson, Harp, Mueller, Ernst, Wallin, Brand, Thoft, O'Connell, Pistoria, R. Manning, Sales, Bertelsen, Seifert, C. Smith, Hanson, Lory, Azzara, Eudaily, Winslow, Kemmis, Menahan, Harper. Referred to Committee on Highways and Transportation.

Upon motion of Senator Stephens, duly carried, the Senate adjourned at 5:28 p.m. until Friday, February 13, at the hour of 2:30 p.m.

JEAN A. TURNAGE
President of the Senate

JOHN W. LARSON
Secretary of the Senate

THIRTY-FIFTH LEGISLATIVE DAY

Helena, Montana
February 13, 1981

Senate Chambers
Capitol Building

Senate convened at 2:30 p.m., President Pro Tempore Kolstad presiding. Invocation by the Chaplain. Pledge of Allegiance to the Flag.

Roll call. All members present. Quorum present.

Mr. President: We, your Committee on Bills and Journal, having examined the daily journal for the Thirty-fourth Legislative Day, find the same to be correct.

O'HARA, Chairman

REPORTS OF STANDING COMMITTEES

BILLS (O'Hara, Chairman):
Correctly engrossed - SB 64, SB 184, SB 212, SJR 5. Report adopted.

PRINTING (O'Hara, Chairman):
Correctly printed and placed on the members' desks - SB 57, SB 181, SB 204, SB 227, SB 255, SB 257, SB 268, SB 270, SB 271, SB 347, HJR 15. Report adopted.

FISH AND GAME (Smith, Chairman):
SB 103, do pass. Report adopted.
SB 159, do pass. Report adopted.

TAXATION (Goodover, Chairman):
SB 7, do pass. Report adopted.

SB 13, introduced bill, be amended as follows:

1. Page 2, line 21.
Following: "10%"
Insert: "below the standard"

2. Page 3, line 17 through line 25.
Strike: Section 2 in its entirety

And, as so amended, do pass. Report adopted.

FISH AND GAME (Smith, Chairman):
HB 103, be concurred in. Report adopted.
HB 122, be concurred in. Report adopted.
HB 123, be concurred in. Report adopted.

LEGISLATIVE ADMINISTRATION (Kolstad, Chairman):
HB 2, be concurred in. Report adopted.

TAXATION (Goodover, Chairman):
HB 250, be concurred in. Report adopted.

STATE ADMINISTRATION (Story, Chairman):
SB 223, do not pass.

Thereupon, the Adverse Committee Report was adopted by the following roll call vote:

Ayes: Aklestad, Anderson, Boylan, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Graham, Hafferman, Haffey, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Manley,

Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Severson, Stephens, Stimatz, Towe, Tveit, Van Valkenburg, Mr. President.
Total 36

Noes: Berg, Blaylock, Etchart, Galt, Goodover, Hager, Lee, Regan, Ryan, Smith, Story, Thomas.
Total 12

Excused: Manning.
Total 1

Absent or not voting: B. Brown.
Total 1

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following House Bills were on 2/12/81, passed and transmitted to the Senate for concurrence:

House Bill No. 272, introduced by Anderson (96-1)

House Bill No. 321, introduced by Fabrega (88-10)

House Bill No. 360, introduced by Metcalf (85-12)

House Bill No. 396, introduced by Anderson (97-1)

House Bill No. 433, introduced by Dozier (78-21)

House Bill No. 435, introduced by Dozier (78-19)

House Bill No. 547, introduced by Smith (90-9)

MOTIONS

Senator Lee moved that the Senate reconsider its action taken on the adoption of an Adverse Committee Report on Senate Bill No. 266 and that it be printed and placed on Second Reading. Motion passed by the following vote:

Ayes: Aklestad, Anderson, Crippen, Dover, Elliott, Etchart, Galt, Goodover, Hager, Hammond, Healy, Keating, Kolstad, Lee, Manley, Mazurek, Nelson, Ochsner, O'Hara, Olson, Ryan, Severson, Smith, Stephens, Tveit.
Total 25

Noes: Berg, Blaylock, Boylan, S. Brown, Conover, Eck, Graham, Hafferman, Haffey, Halligan, Hazelbaker, Himsl, Jacobson, Johnson, Manning, McCallum, Norman, Regan, Stimatz, Story, Towe, Van Valkenburg, Mr. President.
Total 23

Excused: None.
Total 0

Absent or not voting: B. Brown, Thomas.
Total 2

Upon motion of Senator Dover, that Senate Bill No. 450 be taken from the Committee on Natural Resources and be rereferred to the Committee on Local Government. Motion passed by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Halligan, Hammond, Hazelbaker, Healy, Himsl,

Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: Hager.
Total 1

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Upon motion of Senator Dover, duly carried, that Senate Bill No. 430 be taken from the Committee on State Administration and be rereferred to the Committee on Natural Resources.

Motion was made by Senator Story that Senate Bill No. 266 be taken from Second Reading and rereferred to the Committee on Highways and Transportation. Motion failed by the following vote:

Ayes: Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Eck, Hager, Halligan, Jacobson, McCallum, Norman, Regan, Ryan, Smith, Story, Towe, Van Valkenburg, Mr. President.
Total 20

Noes: Aklestad, Anderson, Dover, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hammond, Hazelbaker, Healy, Himsl, Keating, Kolstad, Lee, Manley, Mazurek, Nelson, O'Hara, Olson, Severson, Stephens, Stimatz, Thomas, Tveit.
Total 27

Excused: None.
Total 0

Absent or not voting: Johnson, Manning, Ochsner.
Total 3

Senator Towe moved, without objection, that House Bill No. 139 be placed at the bottom of the board.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

Senate Bill No. 14 was passed by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, O'Hara, Olson, Regan, Ryan, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit.
Total 46

Noes: Van Valkenburg.
Total 1

Excused: None.
Total 0

Absent or not voting: Ochsner, Severson, Mr. President.

Total 3

Senate Bill No. 98 was passed by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: Ochsner.
Total 1

Senate Bill No. 120 was passed by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: Ochsner.
Total 1

Senate Bill No. 199 was passed by the following vote:

Ayes: Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: Aklestad.
Total 1

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Senate Bill No. 222 was passed by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Senate Bill No. 232 was passed by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Senate Bill No. 239 was passed by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Senate Bill No. 241 was passed by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek,

McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Senate Bill No. 244 was passed by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Stephens, Stimatz, Story, Thomas, Towe, Van Valkenburg, Mr. President.
Total 47

Noes: Smith, Tveit.
Total 2

Excused: None.
Total 0

Absent or not voting: Keating.
Total 1

Senate Bill No. 256 was passed by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Senate Bill No. 261 was passed by the following vote:

Ayes: Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, Norman, O'Hara, Regan, Ryan, Severson, Stephens, Stimatz, Story, Thomas, Towe, Van Valkenburg, Mr. President.
Total 41

Noes: Aklestad, Crippen, Hager, McCallum, Nelson, Ochsner, Olson, Smith, Tveit.

Total 9

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Senate Bill No. 275 was passed by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Ryan, Severson, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 47

Noes: Eck, Regan, Smith.
Total 3

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Senate Bill No. 307 was passed by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: Galt.
Total 1

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Senate Bill No. 330 was passed by the following vote:

Ayes: Aklestad, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg.
Total 48

Noes: Anderson, Mr. President.
Total 2

Excused: None.
Total 0

Absent or not voting: None.

Total 0

Senate Bill No. 350 was passed by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

House Joint Resolution No. 7 was concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: Towe.
Total 1

Excused: None.
Total 0

Absent or not voting: None.
Total 0

At the request of the President Pro Tempore, and without objection, the Senate reverted to Order of Business No. 8.

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Crippen in the Chair.

Senate resumed. President Pro Tempore Kolstad in the Chair.

Mr. President Pro Tempore: We, your Committee of the Whole, having had under consideration business on Second Reading, recommend as follows:

That House Bill No. 118, without objection, be moved to the bottom of the board.

That House Bill No. 124 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum,

Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: Hafferman, Ryan.
Total 2

Excused: None.
Total 0

Absent or not voting: None.
Total 0

That Senate Bill No. 85 do pass by the following vote:

Ayes: Aklestad, Berg, Boylan, S. Brown, Crippen, Dover, Elliott, Goodover, Haffey, Hager, Halligan, Hazelbaker, Himsl, Johnson, Keating, Kolstad, Lee, Manley, Manning, Nelson, O'Hara, Regan, Ryan, Story, Towe, Tveit, Van Valkenburg.
Total 27

Noes: Blaylock, B. Brown, Conover, Eck, Etchart, Galt, Graham, Hafferman, Hammond, Healy, Jacobson, Mazurek, McCallum, Olson, Stephens, Stimatz, Thomas, Mr. President.
Total 18

Excused: None.
Total 0

Absent or not voting: Anderson, Norman, Ochsner, Severson, Smith.
Total 5

That Senate Bill No. 216 do pass by the following vote:

Ayes: Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Eck, Etchart, Goodover, Hafferman, Haffey, Halligan, Hazelbaker, Healy, Himsl, Jacobson, Keating, Mazurek, Norman, O'Hara, Olson, Regan, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 31

Noes: Aklestad, Dover, Elliott, Galt, Graham, Hammond, Johnson, Kolstad, Lee, Manley, McCallum, Nelson, Ochsner, Ryan, Severson, Smith.
Total 16

Excused: None.
Total 0

Absent or not voting: Anderson, Hager, Manning.
Total 3

That Senate Bill No. 226 be amended as follows:

1. Page 4, line 16.
Following: "specifies"
Strike: "that"
Insert: "and, in fact"

Amendment passed by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl,

Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

That Senate Bill No. 226, as amended, do pass by the following vote:

Ayes: Aklestad, Anderson, B. Brown, S. Brown, Crippen, Dover, Elliott, Etchart, Galt, Goodover, Graham, Hager, Hammond, Healy, Johnson, Keating, Manley, Manning, McCallum, Nelson, Norman, Ochsner, O'Hara, Severson, Stephens, Tveit, Van Valkenburg.
Total 27

Noes: Berg, Blaylock, Boylan, Conover, Eck, Hafferman, Haffey, Halligan, Hazelbaker, Himsl, Jacobson, Kolstad, Lee, Mazurek, Olson, Regan, Ryan, Stimatz, Story, Thomas, Towe, Mr. President.
Total 22

Excused: None.
Total 0

Absent or not voting: Smith.
Total 1

That Senate Bill No. 249 do pass by the following vote:

Ayes: Aklestad, Berg, B. Brown, Conover, Crippen, Dover, Elliott, Galt, Graham, Hafferman, Hager, Hammond, Hazelbaker, Jacobson, Keating, Kolstad, Lee, Manning, Norman, Ochsner, Regan, Stephens, Story, Tveit.
Total 24

Noes: Blaylock, Boylan, S. Brown, Etchart, Haffey, Halligan, Healy, Himsl, Manley, Mazurek, Nelson, Olson, Ryan, Severson, Thomas, Towe, Van Valkenburg, Mr. President.
Total 18

Excused: None.
Total 0

Absent or not voting: Anderson, Eck, Goodover, Johnson, McCallum, O'Hara, Smith, Stimatz.
Total 8

That Senate Bill No. 298 do pass by the following vote:

Ayes: Aklestad, Anderson, Blaylock, Boylan, B. Brown, Conover, Crippen, Dover, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, McCallum, Nelson, Ochsner, O'Hara, Olson, Regan, Ryan, Stimatz, Story, Thomas, Tveit, Mr. President.
Total 38

Noes: S. Brown, Eck, Mazurek, Severson, Towe, Van Valkenburg.
Total 6

Excused: None.
Total 0

Absent or not voting: Berg, Hager, Halligan, Norman, Smith, Stephens.
Total 6

That Senate Bill No. 299 do pass by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

That Senate Bill No. 309 do pass by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

That Senate Bill No. 311 do pass by the following vote:

Ayes: Aklestad, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Manley, Manning, Mazurek, McCallum, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 44

Noes: Anderson, Etchart, Hafferman, Hammond, Lee, Nelson.
Total 6

Excused: None.
Total 0

Absent or not voting: None.
Total 0

That Senate Bill No. 312 do pass by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

That Senate Bill No. 328 do pass by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

That Senate Bill No. 333 do pass by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

That Senate Bill No. 342 do pass by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham,

Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

That Senate Bill No. 346 do pass by the following vote:

Ayes: Aklestad, Berg, Boylan, B. Brown, Conover, Crippen, Dover, Elliott, Etchart, Galt, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Jacobson, Johnson, Keating, Manning, McCallum, Nelson, Ochsner, Ryan, Severson, Smith, Stimatz, Thomas, Towe, Tveit, Van Valkenburg.
Total 32

Noes: Blaylock, Eck, Goodover, Himsl, Kolstad, Manley, Mazurek, Norman, Olson, Regan, Stephens, Story, Mr. President.
Total 13

Excused: None.
Total 0

Absent or not voting: Anderson, S. Brown, Hafferman, Lee, O'Hara.
Total 5

That Senate Bill No. 365 do pass by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

That Senate Bill No. 393 do pass by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

That House Bill No. 139 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

That House Bill No. 118 be amended as follows:

1. Title, lines 7 and 8.
Following: "APPEALS;"
Insert: all stricken language

2. Page 1, line 14.
Following: "—composition —"
Insert: all stricken language

3. Page 2, line 2.
Following: "individual"
Insert: ", who shall be a neutral person,"

4. Page 2, line 3.
Following: "proceeding"
Insert: "and he shall participate in the decision in that proceeding. There shall be only one additional neutral person appointed and serving at any one time"

5. Page 2, lines 6 through 8.
Insert: the stricken subsection (5)
Renumber: the following subsection

Amendment passed by the following vote:

Ayes: Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: Aklestad, Goodover.
Total 2

Excused: None.
Total 0

Absent or not voting: None.
Total 0

That House Bill No. 118, as amended, be concurred in by the following vote:

Ayes: Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Eck, Elliott, Etchart, Galt, Graham, Hafferman, Haffey, Hager, Hammond, Hazelbaker, Healy, Jacobson, Johnson, Keating, Manning, Mazurek, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Stephens, Stimatz, Story, Van Valkenburg, Mr. President.
Total 35

Noes: Aklestad, Dover, Goodover, Halligan, Himsl, Kolstad, Lee, Ryan, Severson, Smith, Towe, Tveit.
Total 12

Excused: None.
Total 0

Absent or not voting: Manley, McCallum, Thomas.
Total 3

That the Committee rise and report. (Crippen, Chairman)

Upon motion of Senator Crippen, duly carried, the foregoing Report of the Committee of the Whole was adopted.

At the request of the President Pro Tempore, and without objection, the Senate reverted to Order of Business No. 2.

REPORTS OF STANDING COMMITTEES

The Senate will please take note that the President did, at the hour of 3:20 p.m., 2/13/81, sign the following bill:
HB 52.

Jean A. Turnage
President

AGRICULTURE, LIVESTOCK AND IRRIGATION (Galt, Chairman):
SB 297, do pass. Report adopted.

BUSINESS AND INDUSTRY (Hazelbaker, Chairman):
SB 49, introduced bill, be amended as follows:

1. Page 2, line 4.
Following: "incurred"
Insert: "under group"

2. Page 2, line 5.
Following: "under"
Insert: "group"

3. Page 2, line 6.
Following: "contracts,"
Strike: "the level of"
Following: "benefits"
Strike: "specified in (Section 3)"

4. Page 2, line 7.
Following: "care"
Strike: "subject to the right of the applicant"
Insert: ". Applicants"

5. Page 2, lines 8 and 9.
Following: "group"
Strike: "or individual"
Following: "contract"
Strike: remainder of line 8 through "or to" on line 9
Insert: "may"

6. Page 2, line 9.
Following: "any"
Strike: "alternative"

7. Page 2, line 11 through line 20.
Strike: Section 3 in its entirety
Renumber: subsequent sections

8. Page 2, line 24.
Following: "blanket"
Insert: ", short term travel, accident only, limited or specified disease,"

9. Page 2, line 25.
Following: "contracts"
Insert: ", or to policies or contracts designed for coverage under Title XVIII of the Social Security Act, known as Medicare, or any other similar coverage under federal governmental plans"

And, as so amended, do pass. Report adopted.

SB 242, introduced bill, be amended as follows:

1. Title, line 5.
Following: "INSURER"
Insert: "OR AN INSURER"
Following: "BY"
Strike: "A NONPROFIT"
Insert: "AN ASSOCIATION OR ORGANIZATION"

2. Title, line 6.
Following: line 5
Strike: "CORPORATION"
Following: "MAY"
Strike: "CANCEL OR"

3. Title, line 8.
Following: "TO THE"
Strike: "NONPROFIT CORPORATION"
Insert: "FARM MUTUAL, ASSOCIATION, OR ORGANIZATION"

4. Title, line 9.
Following: "AMENDING"
Strike: "SECTION"
Insert: "SECTIONS"
Following: "33-4-510"
Insert: "AND 33-18-102"

5. Page 1, line 22.
Following: line 21
Strike: "owned or controlled by a nonprofit corporation"

Insert: "transacting insurance under this chapter"
Following: "may"
Strike: "cancel or"

6. Page 1, line 24.
Following: "to the"
Strike: "nonprofit corporation"
Insert: "farm mutual insurer"

7. Page 1, line 25.
Following: "condition"
Strike: "to"
Insert: "for"

8. Page 2, line 2.
Following: line 1
Insert: "Section 2. Section 33-18-102 MCA, is amended to read:

"33-18-102. Unfair methods or deceptive practices prohibited — exception. (1) No person shall engage in this state in any trade practice which is defined in this chapter as or determined pursuant to this chapter to be an unfair method of competition or an unfair or deceptive act or practice in the business of insurance.

(2) Nothing in this chapter shall be construed to prevent an insurer owned or controlled by an association or organization from refusing to renew a casualty or liability policy for nonpayment of dues to the association or organization if payment of dues is a condition for obtaining or continuing such insurance.""

And, as so amended, do pass. Report adopted.

SB 301, introduced bill, be amended as follows:

1. Title, line 5.
Following: "IN A"
Insert: "GENERAL"

2. Page 2, line 8.
Following: "in a"
Insert: "general rate"

3. Page 2, line 14.
Following: "rate of return"
Insert: "or rate of recovery"

4. Page 2, lines 17 and 18.
Following: "rebate"
Strike: remainder of line 17 through "subsection (2)" on line 18
Insert: "with interest at the rate of return on equity granted in the last general rate order"

And, as so amended, do pass. Report adopted.

SB 331, introduced bill, be amended as follows:

1. Page 2, line 5.
Following: "under"
Strike: "32-2-806"
Insert: "33-2-806"

2. Page 6, line 8.
Following: "through"
Insert: "33-20-207, and 33-20-211 through"

And, as so amended, do pass. Report adopted.

The Committee adopted the following Statement of Intent:

STATEMENT OF INTENT: Senate Bill No. 331

A statement of intent is required for Senate Bill No. 331 in that it delegates rulemaking authority to the commissioner of insurance in section 5.

Although 33-1-313, MCA, delegates to the commissioner of insurance rulemaking authority to effectuate any provisions of the code, as Senate Bill No. 331 substantively increases this power, a statement of intent is required.

Section 5 empowers the commissioner of insurance with the sole authority to regulate the issuance and sale of variable contracts and allows the commissioner to promulgate rules to carry out the provisions of Senate Bill No. 331. The commissioner's authority to promulgate rules shall be limited in scope to the following areas:

(1) Rules relating to maintaining reserves for guaranteed benefits and funds in a separate account;

(2) Rules relating to valuation of assets allocated to a separate account;

(3) Rules relating to the transfer of cash or securities among a life insurance company's accounts; and

(4) Rules relating to the requirements of doing business under this act.

All rules promulgated under this act are subject to the provisions of the Montana Administrative Procedure Act.

First adopted by the Senate Committee on Business and Industry on February 11, 1981.

Report adopted.

SB 352, introduced bill, be amended as follows:

1. Page 2, line 19.
Following: "mental"
Strike: "illness"
Insert: "health"

And, as so amended, do pass. Report adopted.

PUBLIC HEALTH, WELFARE AND SAFETY (Hager, Chairman):

SB 137, introduced bill, be amended as follows:

1. Page 1.
Following: line 12
Strike: Everything after the enacting clause
Insert: "Section 1. Section 53-20-305, MCA, is amended to read:

"53-20-305. ~~Local control of homes subject to departmental rules. Community homes for the developmentally disabled may be under local control, and the nonprofit corporations or associations operating said community homes are authorized to establish homes and programs they believe in the best interest of their homes. The director of the department of social and rehabilitation services shall adopt reasonable rules and standards to carry out the administration and purposes of this part.~~

(1) A community home for the developmentally disabled shall be licensed annually by the department of social and rehabilitation services.

(2) One temporary license may be issued for no longer than 60 days if there are unavoidable delays in the certification process.

(3) (a) The department for the purpose of licensing shall adopt standards and rules concerning the administration, operation, health, and safety of community homes for the developmentally disabled.

(b) The department of health and environmental sciences shall provide advice and recommendation to the department of social and rehabilitation services concerning the standards for health and safety."

Section 2. Section 53-20-307, MCA, is amended to read:

"53-20-307. ~~Standards and rules~~ Health and safety standards for licensing.

(1) (a) ~~The department of health and environmental sciences shall promulgate and adopt standards and rules for the licensing of community homes for the developmentally disabled to insure the health and safety of the residents of such homes.~~ After initial certification by the state fire marshal, community homes must be certified annually for fire and life safety by the state fire marshal.

(b) The state fire marshal shall notify the department of social and rehabilitation services when a community home has been certified.

(2) (a) Local health officers shall certify community homes for compliance with health and safety standards. If for any reason the local authority cannot complete the certification in a timely manner, the department of health and environmental sciences is authorized to make the determination on certification.

(b) A reasonable fee may be charged to authorized parties as defined in 53-20-303 for the health and safety certification.""

And, as so amended, do pass. Report adopted.

The Committee adopted the following Statement of Intent:

STATEMENT OF INTENT: Senate Bill No. 137

A statement of intent is required for this bill because it amends 53-20-305, MCA, and 53-20-307, MCA, to give the department of social and rehabilitation services the authority for the purposes of Title 53, Chapter 20, Part 3 to license community group homes and for rulemaking in relation to that licensing.

Title 53, Chapter 20, Part 3 provides for community homes for developmentally disabled persons. It was the intent of Part 3 to provide for the regulation of community homes by the department of social and rehabilitation services and the department of health and environmental sciences. The department of social and rehabilitation services was given authority to adopt reasonable rules and standards to carry out the administration and purposes of Part 3. The department of health and environmental sciences was given the authority to license community homes to insure the sanitation and safety of the residents. The authority was given the department of social and rehabilitation services to license community homes in order to insure the quality of services provided. The authority to adopt rules relating to that licensing was not explicitly provided. The department of social and rehabilitation services has had to act under implied authority in licensing community group homes and adopting rules relating to licensing.

This bill provides the department of social and rehabilitation services with explicit authority for the licensing of community group homes and for adopting rules relating to that licensing.

Among the areas that the rules relating to licensing will address are the following: facility acquisition, facility design, group home staffing, staff training, service goals and design, quality of services, client placement procedure, client rights and privileges, client grievance procedure, provider grievance procedure and accounting procedures including accounting of client financial resources. Rules dealing with health and safety will be developed with the assistance of the department of health and environmental sciences, including water and waste disposal, food service, laundry, safety standards which are compatible with the residential character of the facility.

The physical well-being and safety of the clients is provided for in that the group homes are to be certified for fire and life safety by the state fire marshal who shall adopt standards and notify the department upon certification of a community home as complying with those standards.

First adopted by the Senate Public Health, Welfare and Safety Committee on February 11, 1981.

Report adopted.

SB 389, do pass. Report adopted.

AGRICULTURE, LIVESTOCK AND IRRIGATION (Galt, Chairman):
SJR 16, do pass. Report adopted.
SJR 18, do pass. Report adopted.

MESSAGES FROM THE GOVERNOR

February 13, 1981

The Honorable Jean Turnage
President
Montana Senate
State Capitol
Helena, Montana 59620

Dear Senator Turnage:

Delos Jamison, of Billings, whose name has been submitted to you for Senate confirmation to serve as a member of the Board of Housing, has notified me that he is unable to serve on that Board. Mr. Jamison has accepted a position with Congressman Ron Marlenee in Washington, D.C.

I am therefore withdrawing his name from consideration.

Sincerely,

TED SCHWINDEN
Governor

MOTIONS

Senator B. Brown moved that the Senate reconsider its action on Senate Bill No. 182 and that it be printed and placed on Second Reading. Motion passed by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Kolstad, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Stephens, Stimatz, Thomas, Van Valkenburg.
Total 39

Noes: Haffey, Healy, Manley, Towe.
Total 4

Excused: None.
Total 0

Absent or not voting: Johnson, Keating, Lee, Smith, Story, Tveit, Mr. President.
Total 7

Upon motion of Senator Hager, duly carried, that House Bill No. 300 be taken from the Committee on Public Health, Welfare and Safety and be rereferred to the Committee on Judiciary.

FIRST READING OF BILLS

The following Senate bills were introduced, read first time and referred to committees:

SB 456, introduced by Mazurek, B. Brown, (By Request of the Senate Committee on Education and Cultural Resources). Referred to Committee on Education and Cultural Resources.
SB 457, introduced by Dover. Referred to Committee on Taxation.
SB 458, introduced by Blaylock, B. Brown, (By Request of the Senate Committee on Education and Cultural Resources). Referred to Committee on Education and Cultural Resources.
SB 459, introduced by Smith, Lee, Galt, (By Request of the Senate Committee on Fish and Game). Referred to Committee on Fish and Game.
SB 460, introduced by Graham. Referred to Committee on Taxation.
SB 461, introduced by Goodover, Towe, McCallum, Norman, (By Request of the Senate Taxation Committee). Referred to Committee on Taxation.
SB 462, introduced by Hager, (By Request of the Senate Committee on Highways and Transportation). Referred to Committee on Highways and Transportation.
SB 463, introduced by S. Brown, Himsl, (By Request of the Legislative Audit Committee). Referred to Committee on Finance and Claims.
SB 464, introduced by Eck, B. Brown, Berg, Hafferman, Conover, Halligan. Referred to Committee on State Administration.
SB 465, introduced by Ochsner, Zabrocki, Devlin, Conover. Referred to Committee on Local Government.
SB 466, introduced by Graham. Referred to Committee on Taxation.
SB 467, introduced by Ryan, (By Request of the Department of Professional and Occupational Licensing). Referred to Committee on State Administration.
SB 468, introduced by Towe, Crippen, M. Anderson, Mazurek, (By Request of the Senate Judiciary Committee). Referred to Committee on Judiciary.
SB 469, introduced by S. Brown. Referred to Committee on Education and Cultural Resources.
SB 470, introduced by Stimatz. Referred to Committee on Agriculture, Livestock and Irrigation.
SB 471, introduced by Van Valkenburg, McCallum. Referred to Committee on Highways and Transportation.
SB 472, introduced by Van Valkenburg, McCallum. Referred to Committee on Highways and Transportation.
SB 473, introduced by Van Valkenburg, McCallum. Referred to Committee on Highways and Transportation.
SB 474, introduced by Boylan, Towe, Conover. Referred to Committee on Agriculture, Livestock and Irrigation.

SB 475, introduced by Mazurek. Referred to Committee on Judiciary.
SB 476, introduced by Towe, Eck, McCallum, B. Brown. Referred to Committee on Taxation.
SB 477, introduced by Van Valkenburg. Referred to Committee on Judiciary.
SB 478, introduced by Ochsner. Referred to Committee on Judiciary.
SB 479, introduced by Crippen, S. Brown, (By Request of the Senate Judiciary Committee). Referred to Committee on Judiciary.
SB 480, introduced by Healy, Haffey, Stimatz. Referred to Committee on Public Health, Welfare and Safety.
SB 481, introduced by Story, (By Request of the Senate Committee on State Administration). Referred to Committee on State Administration.

The following Senate Joint Resolutions were introduced, read first time and referred to committees:

SJR 19, introduced by Dover, Galt, Kolstad, Smith, Conroy, Hurwitz, Curtiss, Ellison, Marks, Cozzens, Nordtvedt, Burnett, Spilker, Devlin, Hannah, Winslow, D. O'Hara, Iverson, Switzer, Roth, Schultz, Briggs. Referred to Committee on Finance and Claims.
SJR 20, introduced by Crippen, J. O'Hara, Berg, Olson, Halligan, B. Brown, Tveit, Mazurek, M. Anderson, S. Brown, (By Request of the Senate Judiciary Committee). Referred to Committee on Judiciary.
SJR 21, introduced by Healy, Spilker, Metcalf, (By Request of the Capitol Building and Planning Committee). Referred to Committee on Legislative Administration.

The following House bills were introduced, read first time and referred to committees:

HB 272, introduced by Anderson, Hanson, B. Brown, Hemstad. Referred to Committee on Education and Cultural Resources.
HB 321, introduced by Fabrega, Goodover, Meyer, Menahan. Referred to Committee on Business and Industry.
HB 360, introduced by Metcalf, S. Brown, Kessler. Referred to Committee on Business and Industry.
HB 396, introduced by R. Anderson, Keedy, Yardley, M. Anderson. Referred to Committee on Business and Industry.
HB 433, introduced by Dozier, (By Request of the Department of Revenue). Referred to Committee on Taxation.
HB 435, introduced by Dozier, (By Request of the Department of Revenue). Referred to Committee on Taxation.
HB 547, introduced by C. Smith, Ochsner, Conroy, Feda, Devlin, Switzer, Curtiss, Hafferman, Hammond, Graham, Zabrocki, Keyser. Referred to Committee on Highways and Transportation.

Upon motion of Senator Stephens, duly carried, the Senate adjourned at 6:10 p.m. until Saturday, February 14, at the hour of 3:00 p.m.

ALLEN C. KOLSTAD
President Pro Tempore of the Senate

JOHN W. LARSON
Secretary of the Senate

THIRTY-SIXTH LEGISLATIVE DAY

Helena, Montana
February 14, 1981

Senate Chambers
Capitol Building

Senate convened at 3:00 p.m., President Turnage presiding. Invocation by the Chaplain. Pledge of Allegiance to the Flag.

Roll call. All members present. Quorum present.

Mr. President: We, your Committee on Bills and Journal, having examined the daily journal for the Thirty-fifth Legislative Day, find the same to be correct.

O'HARA, Chairman

REPORTS OF STANDING COMMITTEES

PRINTING (O'Hara, Chairman):
Correctly printed and placed on the members' desks - SB 7, SB 13, SB 49, SB 103, SB 159, SB 242, SB 266, SB 297, SB 389, SJR 16, SJR 18. Report adopted.

BILLS (O'Hara, Chairman):
Correctly engrossed - SB 85, SB 164, SB 216, SB 228, SB 249, SB 298, SB 299, SB 309, SB 311, SB 312, SB 328, SB 333, SB 342, SB 346, SB 365, SB 393. Report adopted.

BUSINESS AND INDUSTRY (Hazelbaker, Chairman):
SB 338, introduced bill, be amended as follows:

1. Title, lines 5 through 8.
Following: "MCA, TO"
Strike: remainder of lines 5 through 8 in their entirety
Insert: "PERMIT THE HOLDER OF A WINE LICENSE AMENDMENT TO SELL WINE FOR BOTH ON AND OFF PREMISES CONSUMPTION."

2. Page 4, line 18.
Following: "on"
Insert: "or off"

3. Page 5, lines 2 through 5.
Following: "store"
Strike: ", a bona fide restaurant or prepared food business, including a restaurant or prepared food business holding a license to sell beer or beer and wine at retail for on-premises consumptions,"

And, as so amended, do pass. Report adopted.

JUDICIARY (Anderson, Chairman):
SB 336, do pass. Report adopted.
SB 341, do pass. Report adopted.
SB 400, do pass. Report adopted.
SB 403, do pass. Report adopted.
SB 404, do pass. Report adopted.
SB 407, do pass. Report adopted.
SB 411, do pass. Report adopted.

PUBLIC HEALTH, WELFARE AND SAFETY (Hager, Chairman):
SB 394, introduced bill, be amended as follows:

1. Title, line 7.

Following: "BOARD;"
Insert: "DELETING CONTINUING EDUCATION REQUIREMENT;"

2. Title, line 8.
Following: "2-8-103"
Strike: "AND"
Insert: ","

3. Title, line 8.
Following: "2-15-1613"
Insert: ", AND 37-12-307"

4. Page 7.
Following: line 10
Insert: "Section 4. Section 37-12-307, MCA, is amended to read:

"37-12-307. Annual renewal of license — fee — ~~continuing~~ education required. A license expires on September 1 of each year and shall be renewed by the department on payment of a renewal fee of not more than $50, as set by the board~~, and the presentation of evidence satisfactory to the board that the licensee, in the year preceding the application for renewal attended and successfully completed a postgraduate educational program for chiropractors consisting of monitored classroom time conducted by instructors from accredited colleges of chiropractic in subjects designated and approved by the board. However, the board may authorize the department to issue renewals, but not consecutive renewals, on a showing satisfactory to the board that attendance at the educational programs was unavoidably prevented, and new licensees during the 6 months preceding September 1, by examination, shall be granted renewal licenses without attending the educational programs~~.""
Renumber: subsequent section

And, as so amended, do pass. Report adopted.

FINANCE AND CLAIMS (Himsl, Chairman):
HB 23, be concurred in. Report adopted.

JUDICIARY (Anderson, Chairman):
SB 209, do not pass.

Thereupon, the Adverse Committee Report was adopted by the following roll call vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Towe, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: Thomas.
Total 1

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following House Bills were on 2/13/81, passed and transmitted to the Senate for concurrence:

House Bill No. 33, introduced by Azzara (68-27)

House Bill No. 60, introduced by Williams (93-2)

House Bill No. 63, introduced by Moore (94-0)

House Bill No. 121, introduced by Conroy (81-14)

House Bill No. 145, introduced by Yardley (91-4)

House Bill No. 191, introduced by Waldron (88-7)

House Bill No. 304, introduced by Moore (87-5)

House Bill No. 324, introduced by Burnett (87-8)

House Bill No. 357, introduced by Manning (92-3)

House Bill No. 358, introduced by Manning (91-4)

House Bill No. 474, introduced by Fabrega (90-4)

FIRST READING OF BILLS

The following Senate bills were introduced, read first time and referred to committees:

SB 482, introduced by Stimatz, (By Request of the Natural Resource Committee). Referred to Committee on Natural Resources.

SB 483, introduced by Goodover, Towe, Norman, Nordtvedt, Sivertsen, Turnage, (By Request of the Senate Committee on Taxation). Referred to Committee on Taxation.

The following House bills were introduced, read first time and referred to committees:

HB 33, introduced by Azzara, Dover, Fabrega, Spilker, Sales, Donaldson, Roth, Kessler, Halligan. Referred to Committee on Local Government.

HB 60, introduced by Williams, Bengtson, Oberg, Ellerd, Sivertsen, Dussault, Eudaily, McLane, Asay, Shontz, Robbins, Yardley, Nordtvedt, Harper, Hart, Zabrocki, Kitselman, Iverson, Daily, Pavlovich, Schultz, Phillips, Neuman, Jacobson, R. Manning, Burnett, Moore, Meyer, Hemstad, Dozier, Manuel, Nilson, Holliday, Azzara, Kemmis, Quilici. Referred to Committee on State Administration.

HB 63, introduced by Moore. Referred to Committee on Taxation.

HB 121, introduced by Conroy, Asay, Roth. Referred to Committee on Taxation.

HB 145, introduced by Yardley, Matsko, Moore, Phillips. Referred to Committee on State Administration.

HB 191, introduced by Waldron, Bertelsen, Bennett, Lory, Azzara. Referred to Committee on Taxation.

HB 304, introduced by Moore. Referred to Committee on Local Government.

HB 324, introduced by Burnett, McLane, Roth. Referred to Committee on Agriculture, Livestock and Irrigation.

HB 357, introduced by Manning, Brand, Kessler, McBride, Pavlovich, Sivertsen, Bergene, Feda. Referred to Committee on Local Government.

HB 358, introduced by Manning, Brand, Jacobsen, Neuman, Sivertsen, Bergene, Feda. Referred to Committee on Local Government.

HB 474, introduced by Fabrega, B. Brown, Sivertsen. Referred to Committee on Taxation.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

Senate Bill No. 64 was passed by the following vote:

Ayes: Aklestad, Anderson, B. Brown, Dover, Elliott, Etchart, Galt, Goodover, Graham, Hager, Hammond, Hazelbaker, Himsl, Keating, Kolstad, Lee, Manley, McCallum, Nelson, Ochsner, O'Hara, Olson, Severson, Smith, Stephens, Story, Tveit, Mr. President.
Total 28

Noes: Berg, Blaylock, Boylan, S. Brown, Conover, Crippen, Eck, Hafferman, Haffey, Halligan, Healy, Jacobson, Johnson, Manning, Mazurek, Norman, Regan, Ryan, Stimatz, Towe, Van Valkenburg.
Total 21

Excused: None.
Total 0

Absent or not voting: Thomas.
Total 1

Senate Bill No. 164 was passed by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Eck, Elliott, Etchart, Galt, Goodover, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Kolstad, Lee, Manning, Mazurek, McCallum, Norman, Ochsner, O'Hara, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Towe, Tveit, Van Valkenburg, Mr. President.
Total 42

Noes: Dover, Graham, Johnson, Keating, Manley, Nelson, Olson.
Total 7

Excused: None.
Total 0

Absent or not voting: Thomas.
Total 1

Senate Bill No. 184 was passed by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Towe, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: Thomas.
Total 1

Senate Bill No. 212 was passed by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Towe, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: Norman.
Total 1

Excused: None.
Total 0

Absent or not voting: Thomas.
Total 1

Senate Bill No. 228 was passed by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Towe, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: Thomas.
Total 1

Senate Joint Resolution No. 5 was passed by the following vote:

Ayes: Aklestad, Boylan, Conover, Crippen, Dover, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Hammond, Hazelbaker, Healy, Himsl, Johnson, Keating, Kolstad, Lee, Manley, Manning, McCallum, Nelson, Ochsner, O'Hara, Olson, Ryan, Severson, Smith, Stephens, Stimatz, Story, Towe, Tveit, Mr. President.
Total 37

Noes: Anderson, Berg, Blaylock, B. Brown, S. Brown, Eck, Halligan, Jacobson, Mazurek, Norman, Regan, Van Valkenburg.
Total 12

Excused: None.
Total 0

Absent or not voting: Thomas.
Total 1

House Bill No. 21 was concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham,

Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

House Bill No. 287 was concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: Crippen.
Total 1

Excused: None.
Total 0

Absent or not voting: None.
Total 0

At the request of the President, and without objection, the Senate reverted to Order of Business No. 8.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Senator Mazurek in the Chair.

Senate resumed. President Turnage in the Chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on Second Reading, recommend as follows:

That Senate Bill No. 57 be amended as follows:

1. Page 2, line 9.
Following: "negotiate"
Strike: "concerning,"
Insert: "for a sale or"
Following: "make"
Insert: "a housing accommodation or property"

2. Page 2, lines 10 and 11.
Following: "unavailable"
Strike: all language through "property" on line 11

Amendment passed by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham,

Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

That Senate Bill No. 57, as amended, do pass by the following vote:

Ayes: Aklestad, Berg, Blaylock, B. Brown, S. Brown, Conover, Eck, Galt, Haffey, Hager, Halligan, Hazelbaker, Himsl, Jacobson, Mazurek, Norman, O'Hara, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Towe, Tveit, Van Valkenburg, Mr. President.
Total 27

Noes: Anderson, Boylan, Crippen, Dover, Elliott, Etchart, Goodover, Graham, Hafferman, Hammond, Johnson, Keating, Kolstad, Lee, Manley, McCallum, Nelson, Ochsner, Olson, Story.
Total 20

Excused: None.
Total 0

Absent or not voting: Healy, Manning, Thomas.
Total 3

That Senate Bill No. 181 do pass by the following vote:

Ayes: Aklestad, Anderson, Boylan, B. Brown, Conover, Crippen, Dover, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Hammond, Hazelbaker, Healy, Johnson, Keating, Kolstad, Lee, Manley, McCallum, Nelson, Ochsner, O'Hara, Olson, Severson, Smith, Stephens, Stimatz, Story, Thomas, Tveit, Mr. President.
Total 36

Noes: Berg, Blaylock, S. Brown, Eck, Halligan, Himsl, Jacobson, Mazurek, Norman, Regan, Towe, Van Valkenburg.
Total 12

Excused: None.
Total 0

Absent or not voting: Manning, Ryan.
Total 2

That Senate Bill No. 204 do pass by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: Hafferman.
Total 1

Excused: None.
Total 0

Absent or not voting: None.
Total 0

That Senate Bill No. 255 do pass by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

That Senate Bill No. 257 do pass by the following vote:

Ayes: Berg, Blaylock, B. Brown, S. Brown, Conover, Crippen, Eck, Graham, Haffey, Hager, Halligan, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Manning, Mazurek, Norman, O'Hara, Regan, Ryan, Severson, Stimatz, Story, Thomas, Towe, Van Valkenburg.
Total 28

Noes: Aklestad, Anderson, Boylan, Dover, Elliott, Etchart, Galt, Goodover, Hafferman, Hammond, Keating, Kolstad, Lee, Manley, McCallum, Nelson, Ochsner, Olson, Smith, Stephens, Tveit.
Total 21

Excused: None.
Total 0

Absent or not voting: Mr. President.
Total 1

That Senate Bill No. 268 pass consideration. Unanimously passed.

That Senate Bill No. 270 do pass by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.

Total 0

Absent or not voting: None.
Total 0

That Senate Bill No. 271 do pass by the following vote:

Ayes: Anderson, Berg, Blaylock, Boylan, B. Brown, Conover, Crippen, Etchart, Galt, Graham, Hafferman, Hager, Hammond, Hazelbaker, Healy, Johnson, Keating, Kolstad, Manley, McCallum, Nelson, O'Hara, Olson, Ryan, Smith, Stephens, Story, Thomas, Towe, Mr. President.
Total 30

Noes: Aklestad, S. Brown, Dover, Eck, Elliott, Goodover, Haffey, Halligan, Himsl, Jacobson, Lee, Mazurek, Norman, Ochsner, Regan, Severson, Stimatz, Tveit, Van Valkenburg.
Total 19

Excused: None.
Total 0

Absent or not voting: Manning.
Total 1

That Senate Bill No. 347 do pass by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

That House Bill No. 322 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

That House Joint Resolution No. 15 be amended as follows:

1. Title, lines 13 through 17.
Following: "CHILDREN"
Insert: all stricken language through "~~PROTECT~~" on line 17

2. Title, line 18.
Following: "~~INCLUDING~~"
Insert: remaining stricken language

3. Page 2, lines 13 through 18.
Following: "necessary"
Insert: all stricken language on lines 13 through 18

4. Page 3.
Following: line 2
Insert: "(2) That, if by July 1, 1983, the Congress of the United States has not complied with paragraph (1) of this resolution"

5. Page 3, lines 3 through 8.
Following: "~~alternatively~~"
Insert: all stricken language on line 3 through "~~protect~~" on line 8

6. Page 3, line 9 through page 4, line 3.
Following: "~~including~~"
Insert: all stricken language on page 3, line 9 through "~~protect~~" on page 4, line 3

7. Page 4, line 4 through line 14.
Following: "~~including~~"
Insert: all stricken language
Renumber: the subsequent paragraph

8. Page 4.
Following: line 21
Insert: "That Congress be requested to call a convention only after"

9. Page 4, line 22 through page 5, line 1.
Following: "until"
Insert: all stricken language

Amendments failed by the following vote:

Ayes: Anderson, Boylan, Crippen, Dover, Etchart, Galt, Hafferman, Haffey, Hager, Hammond, Healy, Johnson, Keating, Kolstad, Lee, Manning, McCallum, Norman, Ochsner, O'Hara, Ryan, Severson, Smith, Stimatz, Thomas.
Total 25

Noes: Aklestad, Berg, Blaylock, B. Brown, S. Brown, Conover, Eck, Elliott, Goodover, Graham, Halligan, Hazelbaker, Himsl, Jacobson, Manley, Mazurek, Nelson, Olson, Regan, Stephens, Story, Towe, Tveit, Van Valkenburg, Mr. President.
Total 25

Excused: None.
Total 0

Absent or not voting: None.
Total 0

That House Joint Resolution No. 15 be concurred in. Motion carried by the following vote:

Ayes: Aklestad, Anderson, Boylan, Crippen, Dover, Etchart, Galt, Graham, Hafferman, Haffey, Hager, Hammond, Hazelbaker, Healy, Himsl,

Johnson, Keating, Kolstad, Lee, Manning, McCallum, O'Hara, Olson, Ryan, Severson, Smith, Stimatz, Story, Thomas, Tveit, Mr. President.
Total 31

Noes: Berg, Blaylock, B. Brown, S. Brown, Conover, Eck, Elliott, Goodover, Halligan, Jacobson, Manley, Mazurek, Nelson, Norman, Ochsner, Regan, Stephens, Towe, Van Valkenburg.
Total 19

Excused: None.
Total 0

Absent or not voting: None.
Total 0

That the Committee rise and report. (Mazurek, Chairman)

Upon motion of Senator Mazurek, duly carried, the foregoing Report of the Committee of the Whole was adopted.

At the request of Senator Stephens, and without objection, the Senate reverted to Order of Business No. 6.

MOTIONS

Motion was made by Senator Stephens that the rules of the Forty-seventh Legislature be temporarily suspended in order to place House Joint Resolution No. 15 on Third Reading this Legislative Day. Motion carried by the following vote:

Ayes: Aklestad, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: Anderson, Graham.
Total 2

THIRD READING OF BILLS

The following bill having been read three several times, title and history agreed to, was disposed of in the following manner:

House Joint Resolution No. 15 was concurred in by the following vote:

Ayes: Aklestad, Anderson, Boylan, Crippen, Dover, Etchart, Galt, Hafferman, Haffey, Hager, Hammond, Hazelbaker, Healy, Himsl, Johnson, Keating, Kolstad, Lee, Manning, McCallum, O'Hara, Olson, Ryan, Severson, Smith, Stimatz, Story, Thomas, Tveit, Mr. President.
Total 30

Noes: Berg, Blaylock, B. Brown, S. Brown, Conover, Eck, Elliott, Goodover, Halligan, Jacobson, Manley, Mazurek, Nelson, Norman, Ochsner, Regan, Stephens, Towe, Van Valkenburg.

Total 19

Excused: None.
Total 0

Absent or not voting: Graham.
Total 1

At the request of the President, and without objection, the Senate reverted to Order of Business No. 2.

REPORTS OF STANDING COMMITTEES

BILLS (O'Hara, Chairman):
Correctly engrossed - SB 226. Report adopted.

PRINTING (O'Hara, Chairman):
Correctly printed and placed on the members' desks - SB 137, SB 352. Report adopted.

The Senate will please take note that the President did, at the hour of 3:40 p.m., 2/14/81, sign the following bills:
SB 157, HB 253.

Jean A. Turnage
President

I have examined Senate Bill No. 157 introduced by me and find the same to be correct. (Graham)

BILLS (O'Hara, Chairman):
Correctly enrolled - SB 157. Report adopted.

FINANCE AND CLAIMS (Himsl, Chairman):
SB 436, introduced bill, be amended as follows:

1. Title, line 7.
Following: "FUND"
Insert: "OR DESIGNATED SUBFUND"

2. Page 1, line 23.
Following: "fund"
Insert: "or designated subfund"

3. Page 1, line 24.
Following: "fund"
Insert: "or designated subfund"

And, as so amended, do pass. Report adopted.

TAXATION (Goodover, Chairman):
SB 134, introduced bill, be amended as follows:

1. Title, lines 8, 9, and 10.
Following: "TIME"
Strike: "EXCEPT FOR MEMBERS OF THE MILITARY AND PERSONS LIVING OR TRAVELING OUTSIDE THE UNITED STATES OR PUERTO RICO"

2. Page 2, line 11 through line 22.
Following: "department."
Strike: the rest of subsection (2)

And, as so amended, do pass. Report adopted.

SB 160, introduced bill, be amended as follows:

1. Title, line 4.
Following: "TO"
Strike: "INCREASE THE"
Insert: "EXEMPT"

2. Title, line 5.
Following: "INSURANCE"
Strike: "EXEMPTION"

3. Title, lines 5 through 9.
Following: "PURPOSES"
Strike: "FROM" on line 5 through "INSURED" on line 9

4. Page 1, line 13.
Following: "Insurance"
Strike: "proceeds part of estate"

5. Page 1, lines 15 through 21.
Following: "person"
Strike: remainder of Section 1
Insert: "is exempt"

And, as so amended, do pass. Report adopted.

Upon motion of Senator Stephens, duly carried, the Senate adjourned at 5:44 p.m. until Monday, February 16, at the hour of 2:30 p.m.

JEAN A. TURNAGE
President of the Senate

JOHN W. LARSON
Secretary of the Senate

THIRTY-SEVENTH LEGISLATIVE DAY

Helena, Montana
February 16, 1981

Senate Chambers
Capitol Building

Senate convened at 2:30 p.m., President Turnage presiding. Invocation by the Chaplain. Pledge of Allegiance to the Flag.

Roll call. All members present except Dover, Kolstad, Stephens, excused. Quorum present.

Mr. President: We, your Committee on Bills and Journal, having examined the daily journal for the Thirty-sixth Legislative Day, find the same to be correct.

O'HARA, Chairman

REPORTS OF STANDING COMMITTEES

PRINTING (O'Hara, Chairman):
Correctly printed and placed on the members' desks - SB 134, SB 160, SB 301, SB 331, SB 336, SB 338, SB 341, SB 394, SB 400, SB 403, SB 404, SB 407, SB 411, SB 436. Report adopted.

BILLS (O'Hara, Chairman):
Signed by the Speaker of the House and President of the Senate, 2/16/81, at the hour of 11:58 a.m., delivered to the Governor for his approval SB 157. Report adopted.

Correctly engrossed - SB 57, SB 181, SB 204, SB 255, SB 257, SB 270, SB 271, SB 347. Report adopted.

LEGISLATIVE ADMINISTRATION (Kolstad, Chairman):
Respectfully report as follows:

That the following attaches of the Senate be terminated as of 5:00 p.m. on February 14, 1981:

Linda Eagle ..... Page
Cheri Smith ..... Page
LeAnne Anderson ..... Page
Dawn Wolf ..... Page
Joan Malek ..... Page
Tate Jones ..... Page
John Peterson ..... Page

That the following attaches of the Senate be employed as of 8:00 a.m. on February 16, 1981:

Donna Wolslagel ..... Page
Genevieve Gordon ..... Page
Mike Cetrone ..... Page
Kari Parzych ..... Page
Leah Johnson ..... Page
Jeanne Violette ..... Page
Lynn Loucks ..... Page
Linda Malisani ..... Page
Mary Ellen Connelly ..... Comm. Secy.

That the following attache of the Senate be employed as of 8:00 a.m. on February 17, 1981:

Chantel Wold ..... Page

That the following attache of the Senate be terminated as of 5:00 p.m. on February 13, 1981:

Alice Omang.....Chief Journal Clerk

Report adopted.

HIGHWAYS AND TRANSPORTATION (Etchart, Chairman):
SB 422, introduced bill, be amended as follows:

1. Title.
Following: "1979;" on line 6
Insert: "PROVIDING FOR LOCAL GOVERNMENT CONSULTATIONS:"

2. Page 2, line 1.
Following: "highways"
Insert: "in consultation with the governing bodies of the counties in the area"

And, as so amended, do pass. Report adopted.

JUDICIARY (Anderson, Chairman):
SB 29, introduced bill, be amended as follows:

1. Title, line 5.
Following: "RESIDENCE"
Insert: "OR BUSINESSES"

2. Page 2, line 4.
Following: "residential"
Insert: "or commercial"

3. Page 3, line 7.
Following: "residential"
Insert: "or commercial"

And, as so amended, do pass. Report adopted.

SB 112, introduced bill, be amended as follows:

1. Line 14.
Following: "chapter"
Strike: "may"
Insert: "shall"

2. Line 19.
Following: "."
Insert: "At any time after receiving a complaint, the commission may notify the parties that it declines further jurisdiction and thereupon the complainant may petition the district court."

And, as so amended, do pass. Report adopted.

SB 245, introduced bill, be amended as follows:

1. Page 5, line 20.
Following: "~~$2~~"
Strike: "$5"
Insert: "$3"

And, as so amended, do pass. Report adopted.

SB 265, introduced bill, be amended as follows:

1. Line 15.

Following: "in"
Insert: "subsections (1) through (4) of"

And, as so amended, do pass. Report adopted.

SB 267, introduced bill, be amended as follows:

1. Page 4, line 21.
Following: "department"
Insert: "or a licensed child-placing agency"

2. Page 5.
Strike: lines 12, 13, 20 and 21 in their entirety
Renumber: subsequent subsections

3. Page 8, line 7.
Following: "toward the child"
Strike: ","

4. Page 8, line 8.
Strike: "as defined in 41-3-102(3)(d)"

5. Page 8, line 10.
Following: "child"
Insert: "as defined in 41-3-102(3)(d)"

6. Page 11, line 3.
Following: "that"
Strike: "a licensed child placing agency"
Insert: "the department"

And, as so amended, do pass. Report adopted.

The Committee adopted the following Statement of Intent:

STATEMENT OF INTENT: Senate Bill No. 407

SB 407 requires a statement of intent because it grants each licensing board allocated to the Department of Professional and Occupational Licensing the authority to adopt specifying grounds for disciplinary action and the type of action that may be taken.

Each board adopting new substantive or procedural rules under SB 407 is to specify both the grounds upon which each type of disciplinary action may be taken, and the procedure to be used for each action. Each board using a disciplinary action not specified in subsections (1)(a) through (e) but considered proper under (1)(f) must also state in the rule the grounds upon which disciplinary action may be taken and the applicable procedure.

No rule shall specify disciplinary action for failure to renew any license or certificate, pay any fee or participate in any program of continuing education unless the renewal, fee or participation is required by statute.

Rules authorized by both SB 407 and by other provisions of law and previously adopted under such other provisions need not be readopted under SB 407.

First adopted by the Judiciary Committee on February 14, 1981.

Report adopted.

LOCAL GOVERNMENT (McCallum, Chairman):
SB 133, do pass. Report adopted.
SB 353, do pass. Report adopted.
SB 368, do pass. Report adopted.
SB 399, do pass. Report adopted.

TAXATION (Goodover, Chairman):
SB 163, introduced bill, be amended as follows:

1. Page 3, line 15.
Following: "(f)"
Strike: "one member of the legislature"
Insert: "one member who is not engaged in farming or affiliated with a commercial lending institution or farm credit association"

2. Page 4, line 20.
Following: "functions;"
Strike: "and"

3. Page 4, line 23.
Following: "land"
Strike: "."
Insert: "; and"

4. Page 4.
Following: line 23
Insert: "(h) utilize the assistance and services of the farmers' home administration, the production credit association, the federal land bank, or private lenders in processing applications for loans and servicing loans authorized by the act."

5. Page 6, line 9.
Strike: line 9 in its entirety
Renumber: subsequent subsections

6. Page 6, line 12.
Following: "by"
Insert: "an appropriate committee such as but not limited to"

7. Page 6, lines 13 and 14.
Following: "administration"
Strike: the remainder of line 13 and all of line 14
Insert: ", the production credit association, the federal land bank, private lenders, or other similar organizations."

8. Page 7, line 4.
Following: "secure"
Insert: "adequate"

9. Page 7, line 5.
Following: "sources"
Insert: "at an interest rate that will allow a reasonable prospect for repayment"

10. Page 7, lines 15 and 16.
Following: "of"
Strike: "the state director of"
Insert: "such lenders as"
Following: "administration"
Insert: ", the production credit association, the federal land bank, private lenders, and similar organizations"

11. Page 7, lines 17 and 18.
Following: "through"
Strike: "the farmers home administration"
Insert: "such organizations"

12. Page 7, line 20.
Following: "of"

Strike: "general obligation"

13. Page 7, lines 21 through 24.
Following: "state"
Insert: "not"
Following: "(1)"
Strike: all following language through "thereon, the" on line 24
Insert: "The"

14. Page 8, line 7.
Following: "payable"
Strike: "in the first instance"

15. Page 8, line 10.
Following: "its"
Strike: "lease agreement and sales"
Insert: "loans"

16. Page 8, lines 11 and 12.
Following: "program."
Strike: "In addition, the"
Insert: "The"

17. Page 8, line 13.
Following: "are"
Insert: "not"

18. Page 9, lines 20 through 22.
Strike: subsection (3) in its entirety
Renumber: subsequent subsections

19. Page 15, line 13.
Following: line 12
Strike: "twenty"
Insert: "80"

20. Page 15, lines 13 and 14.
Following: "farmer"
Strike: "who qualifies under (Section 8)"
Insert: "at 9% or less interest on a long-term contract"

21. Page 15, line 17.
Following: "$50,000"
Insert: ", provided the transaction is first approved by the authority for this purpose"

22. Page 15, line 25 through line 3 on page 16.
Following: "audited"
Strike: the remainder of Section 25
Insert: "at least once each year by the legislative auditor or by a contract auditor as directed by the legislative audit committee. The cost of the audit shall be paid by the authority."

And, as so amended, do pass. Report adopted.

The Committee adopted the following Statement of Intent:

STATEMENT OF INTENT: Senate Bill No. 163

Section 1: This statement of intent is required by the rulemaking authority granted to the Montana Agricultural Loan Authority in Section 4 (c) and Section 9 (a).

Section 2: It is the intent of the Legislature that the Montana Agricultural Loan Authority adopt rules for the orderly handling and processing

of applications under the authority granted in this act to grant farm acquisition loans and to grant loans under the second loan program. The rules under Section 9 are intended to be sufficiently specific to allow for an objective determination by the department of which applicants should receive a farm acquisition loan from the authority. The same criteria should be established by rule for the second loan program with special emphasis on need of the applicant and the applicant's possible prospects for success.

Section 3: It is the specific intent of the Legislature that the Montana Agricultural Loan Authority shall coordinate all loans made pursuant to Senate Bill 163 through the Farmers' Home Administration, the Production Credit Association, the Federal Land Bank, and private lenders, or some other similar organization or organizations. The state director of the Farmers' Home Administration has indicated to the Senate Taxation Committee that the FHA could screen worthy applicants, participate with a subordinated loan of its own, participate with a guaranteed loan, and fully service the loan. This would include taking care of any defaults in the event there are defaults by either paying off the state in full or working with the state, foreclose on the farm land and immediately re-sell it to apply the proceeds to the defaulted loan. It is the intent of the Legislature that this program coordinate with the Farmers' Home Administration or other similar organizations including private lenders to the maximum extent possible so that the Montana Agricultural Authority will not itself need to service the loan or take care of any defaults.

First adopted by the Committee on Taxation on February 14, 1981.

Report adopted.

HIGHWAYS AND TRANSPORTATION (Etchart, Chairman):
SB 293, do not pass.

Thereupon, the Adverse Committee Report was adopted by the following roll call vote:

Ayes: Aklestad, Berg, Blaylock, Boylan, Conover, Crippen, Eck, Elliott, Etchart, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Lee, Manley, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Smith, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 38

Noes: B. Brown, S. Brown, Hafferman, Mazurek, Ryan, Stimatz.
Total 6

Excused: Dover, Kolstad, Stephens.
Total 3

Absent or not voting: Anderson, Manning, Severson.
Total 3

LOCAL GOVERNMENT (McCallum, Chairman):
SB 153, do not pass.

Thereupon, the Adverse Committee Report was adopted by the following roll call vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, B. Brown, Conover, Crippen, Etchart, Galt, Goodover, Graham, Haffey, Hammond, Hazelbaker, Healy, Himsl, Johnson, Lee, Manley, Mazurek, McCallum, Nelson, Norman, Ochsner, Olson, Smith, Story, Thomas, Tveit, Mr. President.
Total 30

Noes: Boylan, S. Brown, Eck, Elliott, Hafferman, Hager, Halligan, Jacobson, Keating, O'Hara, Regan, Ryan, Stimatz, Towe, Van Valkenburg.
Total 15

Excused: Dover, Kolstad, Stephens.
Total 3

Absent or not voting: Manning, Severson.
Total 2

MESSAGES FROM THE GOVERNOR

February 16, 1981

The Honorable Jean A. Turnage
President of the Senate
State Capitol Building
Helena, Montana 59620

The Honorable Robert L. Marks
Speaker of the House
State Capitol Building
Helena, Montana 59620

Dear Senator Turnage and Representative Marks:

In accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby return House Bill No. 76, "AN ACT TO EXEMPT CERTAIN PENSIONS FROM THE REDUCTION REQUIREMENTS WHICH APPLY TO CLAIMANTS OF UNEMPLOYMENT INSURANCE AND TO INCLUDE SOCIAL SECURITY BENEFITS WITHIN THE REDUCTION REQUIREMENT; AMENDING SECTION 39-51-2203, MCA," without my signature and recommend the attached amendments.

House Bill No. 76 as adopted allows for the reduction of unemployment insurance payments in cases where a person is receiving both pension and unemployment benefits. House Bill No. 76 reflects current mandatory changes in federal law which are imposed upon the state. The adoption of this bill allows Montana employers to continue to receive an unemployment insurance tax credit.

Recently introduced legislation now in the U.S. Congress has the potential to drastically change the federal requirements in the pension offset area and jeopardize the employer tax credit. House Bill No. 76 does not provide the State with the ability to adapt to changing federal requirements in the pension offset area.

The problem can be solved by language which grants the Employment Security Division of the Department of Labor and Industry rulemaking authority to adopt minimum federal offset requirements. This amendment will allow the state to maintain conformity with subsequent changes to the federal offset requirements.

I urge your concurrence in these amendments.

Sincerely,

TED SCHWINDEN
Governor

PROPOSED AMENDMENTS TO HOUSE BILL NO. 76

1. STATEMENT OF INTENT

A statement of intent is required for this bill because it delegates rulemaking authority to the Employment Security Division of the Department of Labor and Industry in section 4. It is the intent of this bill to grant the Division the authority to adopt the minimum federal offset requirements as set forth in the federal Employee Retirement Income Security Act of 1974, as amended. This is a conformity requirement of the federal Employee Retirement Income Security Act which is imposed on the states.

2. Page 1, line 8.
Following: "WITHIN THE REDUCTION REQUIREMENT;" on line 8
Insert: "AND TO GRANT RULEMAKING AUTHORITY TO THE EMPLOYMENT SECURITY DIVISION OF THE DEPARTMENT OF LABOR AND INDUSTRY TO ADOPT MINIMUM FEDERAL OFFSET REQUIREMENTS:"

3. Page 2, line 11.
Add new section
Insert: "(4) For the purposes of subsection (1), the division shall, by rule, adopt minimum federal offset requirements as imposed by the federal Employee Retirement Income Security Act of 1974, P. L. 94-566, as amended in 1980 by P. L. 96-364, and as may be amended after (the effective date of this act)."

4. Section 5. Effective date. This act is effective on passage and approval.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following House Bills were on 2/14/81, passed and transmitted to the Senate for concurrence:

House Bill No. 411, introduced by Burnett (86-2)

House Bill No. 449, introduced by Oberg (81-6)

House Bill No. 457, introduced by Dussault (80-8)

House Bill No. 466, introduced by Ellison (88-0)

House Bill No. 468, introduced by Thoft (83-4)

House Bill No. 508, introduced by Yardley (85-2)

House Bill No. 509, introduced by Quilici (86-0)

House Bill No. 520, introduced by Bardanouve (88-0)

House Bill No. 581, introduced by Donaldson (87-1)

House Bill No. 613, introduced by Schultz (87-0)

Senate Amendments to House Bill No. 94 were rejected on 2/16/81, and a Free Conference Committee was requested.

The House on 2/16/81, failed to concur in Senate Amendments to House Bill No. 94, and the Speaker was authorized to appoint a Free Conference Committee, and the House respectfully requests the Senate to appoint a like committee to confer on Senate Amendments to House Bill No. 94.

The Speaker appointed the following members:

Representative Marks, Chairman
Representative Bardanouve

Representative Lund

MOTIONS

Senator Hafferman moved that the Senate reconsider its action taken on the adoption of an Adverse Committee Report on Senate Bill No. 293 this Legislative Day. Motion carried by the following vote:

Ayes: Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Eck, Elliott, Galt, Goodover, Hafferman, Haffey, Halligan, Hammond, Healy, Jacobson, Johnson, Lee, Manley, Mazurek, Norman, O'Hara, Regan, Ryan, Severson, Stimatz, Towe, Van Valkenburg.
Total 29

Noes: Aklestad, Anderson, Etchart, Graham, Hazelbaker, Himsl, Keating, McCallum, Nelson, Ochsner, Olson, Smith, Tveit, Mr. President.
Total 14

Excused: Dover, Kolstad, Stephens.
Total 3

Absent or not voting: Hager, Manning, Story, Thomas.
Total 4

FIRST READING OF BILLS

The following House bills were introduced, read first time and referred to committees:

HB 411, introduced by Burnett, Brand, (By Request of the Department of Revenue). Referred to Committee on Taxation.

HB 449, introduced by Oberg, Sivertsen, Hemstad. Referred to Committee on Education and Cultural Resources.

HB 457, introduced by Dussault, Thomas, Halligan. Referred to Committee on Taxation.

HB 466, introduced by Ellison, Bertelsen, Eudaily, Dussault, Vincent, Donaldson, Holliday, (By Request of the Office of Public Instruction). Referred to Committee on Education and Cultural Resources.

HB 468, introduced by Thoft, Iverson, Keyser, C. Smith, Eck, Conn, Bergene, Halligan, Van Valkenburg, Anderson, Azzara, Keedy, Harper, Roush, Huennekens, Shelden, Teague, McBride, D. Brown, Harrington, Daily, Dussault, Quilici, Vincent, Kennerly, Nordtvedt, Waldron, Yardley, Regan, Ryan, Berg, Conover, Towe, Mazurek, Bardanouve, Blaylock, (By Request of the Study Committee on Container Deposits). Referred to Committee on Business and Industry.

HB 508, introduced by Yardley, (By Request of the Department of Highways). Referred to Committee on Judiciary.

HB 509, introduced by Quilici, Dussault, Vincent, Pavlovich, D. Brown, McBride, Kessler, Teague, Shelden, Fabrega, Harrington, Daily, Kemmis, Meyer. Referred to Committee on Natural Resources.

HB 520, introduced by Bardanouve, (By Request of the Public Employees' Retirement Board). Referred to Committee on State Administration.

HB 581, introduced by Donaldson, Mazurek. Referred to Committee on Taxation.

HB 613, introduced by Schultz, (By Request of the Department of Administration). Referred to Committee on State Administration.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

Senate Bill No. 85 was passed by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, S. Brown, Crippen, Eck, Elliott, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Lee, Manley, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Regan, Severson, Smith, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg.
Total 38

Noes: B. Brown, Conover, Etchart, Galt, Hammond, Olson, Ryan, Mr. President.
Total 8

Excused: Dover, Kolstad, Stephens.
Total 3

Absent or not voting: Manning.
Total 1

Senate Bill No. 216 was passed by the following vote:

Ayes: Anderson, Berg, Blaylock, B. Brown, S. Brown, Conover, Crippen, Eck, Etchart, Goodover, Hafferman, Haffey, Hager, Halligan, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Mazurek, Norman, Ochsner, Olson, Regan, Severson, Smith, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 33

Noes: Aklestad, Boylan, Elliott, Galt, Graham, Hammond, Keating, Lee, Manley, McCallum, Nelson, O'Hara, Ryan.
Total 13

Excused: Dover, Kolstad, Stephens.
Total 3

Absent or not voting: Manning.
Total 1

Senate Bill No. 226 was passed by the following vote:

Ayes: Aklestad, Anderson, B. Brown, S. Brown, Elliott, Etchart, Galt, Goodover, Graham, Hager, Hammond, Hazelbaker, Healy, Johnson, Keating, Kolstad, Manley, McCallum, Nelson, Norman, Ochsner, O'Hara, Severson, Smith, Stephens, Tveit, Van Valkenburg.
Total 27

Noes: Berg, Blaylock, Boylan, Conover, Crippen, Eck, Hafferman, Haffey, Halligan, Himsl, Jacobson, Lee, Mazurek, Olson, Regan, Ryan, Stimatz, Story, Thomas, Towe, Mr. President.
Total 21

Excused: Dover.
Total 1

Absent or not voting: Manning.
Total 1

(Including the following pairs: Kolstad, aye - Eck, no; Stephens, aye - Ryan, no.)

Senate Bill No. 249 was passed by the following vote:

Ayes: Aklestad, Berg, Boylan, Conover, Eck, Elliott, Galt, Graham, Hafferman, Hager, Halligan, Hammond, Hazelbaker, Healy, Jacobson,

Keating, Kolstad, Lee, Nelson, Norman, Regan, Smith, Stimatz, Towe, Tveit, Mr. President.
Total 26

Noes: Anderson, Blaylock, S. Brown, Crippen, Etchart, Goodover, Haffey, Himsl, Johnson, Manley, Mazurek, McCallum, Ochsner, O'Hara, Olson, Ryan, Severson, Story, Thomas, Van Valkenburg.
Total 20

Excused: Dover, Stephens.
Total 2

Absent or not voting: B. Brown, Manning.
Total 2

(Including the following pair: Kolstad, aye - Goodover, no.)

Senate Bill No. 298 was passed by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, Conover, Crippen, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Lee, Manley, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stimatz, Story, Thomas, Tveit, Van Valkenburg, Mr. President.
Total 43

Noes: S. Brown, Mazurek, Towe.
Total 3

Excused: Dover, Kolstad, Stephens.
Total 3

Absent or not voting: Manning.
Total 1

Senate Bill No. 299 was passed by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Lee, Manley, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 46

Noes: None.
Total 0

Excused: Dover, Kolstad, Stephens.
Total 3

Absent or not voting: Manning.
Total 1

Senate Bill No. 309 was passed by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Lee, Manley, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 46

Noes: None.
Total 0

Excused: Dover, Kolstad, Stephens.
Total 3

Absent or not voting: Manning.
Total 1

Senate Bill No. 311 was passed by the following vote:

Ayes: Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Eck, Graham, Haffey, Hager, Halligan, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Manning, Mazurek, McCallum, Norman, Ochsner, O'Hara, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 38

Noes: Aklestad, Elliott, Etchart, Galt, Goodover, Hafferman, Hammond, Lee, Manley, Nelson, Olson.
Total 11

Excused: Dover.
Total 1

Absent or not voting: None.
Total 0

(Including the following pairs: Stephens, aye - Aklestad, no; Kolstad, aye - Goodover, no.)

Senate Bill No. 312 was passed by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Keating, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stimatz, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 44

Noes: Johnson, Lee, Story.
Total 3

Excused: Dover, Kolstad, Stephens.
Total 3

Absent or not voting: None.
Total 0

Senate Bill No. 328 was passed by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 47

Noes: None.
Total 0

Excused: Dover, Kolstad, Stephens.

Total 3

Absent or not voting: None.
Total 0

Senate Bill No. 333 was passed by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 47

Noes: None.
Total 0

Excused: Dover, Kolstad, Stephens.
Total 3

Absent or not voting: None.
Total 0

Senate Bill No. 342 was passed by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Eck, Elliott, Etchart, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Lee, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Severson, Smith, Stimatz, Story, Thomas, Towe, Van Valkenburg, Mr. President.
Total 42

Noes: Galt, Hammond, Manley, Ryan, Tveit.
Total 5

Excused: Dover, Kolstad, Stephens.
Total 3

Absent or not voting: None.
Total 0

Senate Bill No. 346 was passed by the following vote:

Ayes: Anderson, Berg, Boylan, B. Brown, S. Brown, Conover, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hazelbaker, Healy, Jacobson, Johnson, Keating, Lee, Manning, McCallum, Ochsner, O'Hara, Regan, Ryan, Severson, Smith, Stimatz, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 35

Noes: Aklestad, Blaylock, Crippen, Eck, Hammond, Himsl, Manley, Mazurek, Nelson, Norman, Olson, Story.
Total 12

Excused: Dover, Kolstad, Stephens.
Total 3

Absent or not voting: None.
Total 0

Senate Bill No. 365 was passed by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, B. Brown, S. Brown, Conover, Crippen, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman,

Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 46

Noes: None.
Total 0

Excused: Dover, Kolstad, Stephens.
Total 3

Absent or not voting: Boylan.
Total 1

Senate Bill No. 393 was passed by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 47

Noes: None.
Total 0

Excused: Dover, Kolstad, Stephens.
Total 3

Absent or not voting: None.
Total 0

At the request of the President, and without objection, the Senate reverted to Order of Business No. 8.

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Goodover in the Chair.

Senate resumed. President Turnage in the Chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on Second Reading, recommend as follows:

That Senate Bill No. 268 do pass by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 47

Noes: None.
Total 0

Excused: Dover, Kolstad, Stephens.
Total 3

Absent or not voting: None.
Total 0

That Senate Bill No. 7 do pass by the following vote:

Ayes: Aklestad, Anderson, Berg, Boylan, B. Brown, Conover, Crippen, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Ryan, Severson, Smith, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 43

Noes: Blaylock, S. Brown, Olson, Regan.
Total 4

Excused: Dover, Kolstad, Stephens.
Total 3

Absent or not voting: None.
Total 0

That Senate Bill No. 13 be amended as follows:

1. Title, line 7.
Following: "AMENDING"
Strike: "SECTIONS"
Insert: "SECTION"
Following: "90-6-206"
Insert: "AND 90-6-208"

Amendment passed by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 47

Noes: None.
Total 0

Excused: Dover, Kolstad, Stephens.
Total 3

Absent or not voting: None.
Total 0

That Senate Bill No. 13, as amended, do pass by the following vote:

Ayes: Aklestad, Berg, Blaylock, B. Brown, S. Brown, Crippen, Eck, Elliott, Haffey, Hager, Halligan, Healy, Himsl, Jacobson, Johnson, Mazurek, McCallum, Norman, O'Hara, Olson, Regan, Ryan, Severson, Stimatz, Story, Thomas, Towe, Van Valkenburg, Mr. President.
Total 29

Noes: Anderson, Boylan, Conover, Etchart, Galt, Goodover, Graham, Hafferman, Hammond, Hazelbaker, Keating, Lee, Manley, Manning, Nelson, Ochsner, Smith, Tveit.
Total 18

Excused: Dover, Kolstad, Stephens.
Total 3

Absent or not voting: None.

Total 0

That Senate Bill No. 49 do pass by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, S. Brown, Conover, Crippen, Eck, Elliott, Etchart, Galt, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, Olson, Regan, Ryan, Severson, Smith, Stimatz, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 41

Noes: Goodover, Lee, O'Hara.
Total 3

Excused: Dover, Kolstad, Stephens.
Total 3

Absent or not voting: Boylan, B. Brown, Story.
Total 3

That Senate Bill No. 103 do pass by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 47

Noes: None.
Total 0

Excused: Dover, Kolstad, Stephens.
Total 3

Absent or not voting: None.
Total 0

That Senate Bill No. 137 be amended as follows:

1. Page 1, line 24.
Following: "~~part.~~"
Insert: "Community home licensing — administration, operation, health, and safety standards."

Amendment passed by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 47

Noes: None.
Total 0

Excused: Dover, Kolstad, Stephens.
Total 3

Absent or not voting: None.

Total 0

That Senate Bill No. 137, as amended, do pass by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 47

Noes: None.
Total 0

Excused: Dover, Kolstad, Stephens.
Total 3

Absent or not voting: None.
Total 0

That Senate Bill No. 159 do pass by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, Conover, Crippen, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Lee, Manley, Manning, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Ryan, Severson, Smith, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 43

Noes: S. Brown, Halligan, Mazurek, Regan.
Total 4

Excused: Dover, Kolstad, Stephens.
Total 3

Absent or not voting: None.
Total 0

That Senate Bill No. 227 do pass. Motion failed by the following vote:

Ayes: Aklestad, Blaylock, B. Brown, S. Brown, Conover, Crippen, Eck, Elliott, Hager, Hazelbaker, Keating, Manning, Mazurek, Nelson, Ochsner, O'Hara, Olson, Regan, Severson, Smith, Towe, Mr. President.
Total 22

Noes: Anderson, Berg, Boylan, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Halligan, Hammond, Healy, Himsl, Jacobson, Johnson, Lee, Manley, McCallum, Norman, Ryan, Stimatz, Story, Thomas, Tveit, Van Valkenburg.
Total 25

Excused: Dover, Kolstad, Stephens.
Total 3

Absent or not voting: None.
Total 0

That Senate Bill No. 227 be indefinitely postponed. Motion carried by the following vote:

Ayes: Anderson, Berg, Boylan, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Halligan, Hammond, Healy, Himsl, Jacobson, Johnson,

Lee, Manley, McCallum, Norman, Ryan, Stimatz, Story, Thomas, Tveit, Van Valkenburg.
Total 25

Noes: Aklestad, Blaylock, B. Brown, S. Brown, Conover, Crippen, Eck, Elliott, Hager, Hazelbaker, Keating, Manning, Mazurek, Nelson, Ochsner, O'Hara, Olson, Regan, Severson, Smith, Towe, Mr. President.
Total 22

Excused: Dover, Kolstad, Stephens.
Total 3

Absent or not voting: None.
Total 0

That Senate Bill No. 242 do pass by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 47

Noes: None.
Total 0

Excused: Dover, Kolstad, Stephens.
Total 3

Absent or not voting: None.
Total 0

That Senate Bill No. 266 pass consideration. Unanimously passed.

That Senate Bill No. 297 do pass by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 47

Noes: None.
Total 0

Excused: Dover, Kolstad, Stephens.
Total 3

Absent or not voting: None.
Total 0

That Senate Bill No. 352 do pass by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 47

Noes: None.
Total 0

Excused: Dover, Kolstad, Stephens.
Total 3

Absent or not voting: None.
Total 0

That Senate Bill No. 389 do pass by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 47

Noes: None.
Total 0

Excused: Dover, Kolstad, Stephens.
Total 3

Absent or not voting: None.
Total 0

That Senate Joint Resolution No. 16 do pass by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 47

Noes: None.
Total 0

Excused: Dover, Kolstad, Stephens.
Total 3

Absent or not voting: None.
Total 0

That Senate Joint Resolution No. 18 do pass by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 47

Noes: None.
Total 0

Excused: Dover, Kolstad, Stephens.
Total 3

Absent or not voting: None.

Total 0

That House Bill No. 2 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 47

Noes: None.
Total 0

Excused: Dover, Kolstad, Stephens.
Total 3

Absent or not voting: None.
Total 0

That House Bill No. 103 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 47

Noes: None.
Total 0

Excused: Dover, Kolstad, Stephens.
Total 3

Absent or not voting: None.
Total 0

That House Bill No. 122 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 47

Noes: None.
Total 0

Excused: Dover, Kolstad, Stephens.
Total 3

Absent or not voting: None.
Total 0

That House Bill No. 123 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl,

Jacobson, Johnson, Keating, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 47

Noes: None.
Total 0

Excused: Dover, Kolstad, Stephens.
Total 3

Absent or not voting: None.
Total 0

That the Committee rise and report. (Goodover, Chairman)

Upon motion of Senator Goodover, duly carried, the foregoing Report of the Committee of the Whole was adopted.

At the request of the President, and without objection, the Senate reverted to Order of Business No. 2.

REPORTS OF STANDING COMMITTEES

The Senate will please take note that the President did, at the hour of 5:55 p.m., 2/16/81, sign the following bill:
HB 232.

Jean A. Turnage
President

The Senate will please take note that the President did, at the hour of 3:25 p.m., 2/16/81, sign the following bill:
HB 182.

Jean A. Turnage
President

AGRICULTURE, LIVESTOCK AND IRRIGATION (Galt, Chairman):
SB 243, introduced bill be amended as follows:

1. Title, lines 10 and 11.
Following: "MONTANA"
Strike: " ; AND PROVIDING AN EFFECTIVE DATE"

2. Page 2, lines 2 and 3.
Following: "water"
Strike: "from the basin"
Insert: "allocated to Montana under the terms of the compact or divert unallocated compact water within Montana"

3. Page 2, line 4.
Following: line 3
Strike: "(2)"

4. Page 2, line 6.
Following: "water"
Insert: "in Montana"

5. Page 2, line 7.
Following: "water"
Strike: "under the laws of Montana"

6. Page 2, line 19.
Following: "water"

Strike: "is"
Insert: "are"

7. Page 2, line 22.
Following: "compact"
Insert: "(2) Any appropriator proposing to divert water allocated to North Dakota or Wyoming under the terms of the compact or divert unallocated compact water within North Dakota or Wyoming shall file an application with the department. The application must state the name and address of the applicant and facts tending to show that:

(a) the proposed means of diversion, construction, and operation are adequate;

(b) the diversion and ultimate use of the water will not exceed the allocated share under the compact of any of the signatory states; and

(c) the applicant intends to comply with the compact."

8. Page 3, line 2.
Following: "objector"
Insert: "to an application under subsection (1)"

9. Page 3, line 4.
Following: "water"
Insert: "in Montana"

10. Page 3, line 5.
Following: "water"
Strike: "under the laws of Montana"

11. Page 3, line 19 through line 21.
Following: "Montana"
Strike: the remainder of line 19 through "compact" on line 21

12. Page 3, line 21.
Following: line 21
Insert: "(6) The objector to an application under subsection (2) shall state his name and address and facts tending to show that:

(a) the property, rights, or interests of the objector would be adversely affected by the proposed diversion or ultimate use of the water;

(b) the proposed means of diversion, construction, and operation are not adequate; or

(c) the diversion and ultimate use of the water will exceed the allocated share under the compact of any signatory state."
Renumber: subsequent subsections

13. Page 4, line 9.
Following: "water"
Insert: "in Montana"

14. Page 4, line 10.
Following: "use"
Strike: "under the laws of Montana"
Insert: "of water"

15. Page 4, line 25.
Following: "with the" on lines 24 and 25

Strike: "law"
Insert: "laws"

16. Page 5, lines 3 through 10.
Strike: subsection (2) in its entirety
Renumber: subsequent subsections

17. Page 5, line 18.
Following: "the"
Insert: "applicable"

18. Page 5, line 19.
Following: "(1)"
Insert: "or (2)"

19. Page 5, lines 20 and 21.
Following: "department,"
Strike: "in its discretion"
Insert: "upon petition by the applicant"

20. Page 6, line 9.
Following: "[this act]."
Strike: "however, the department may not"
Insert: "The department's"

21. Page 6, line 11.
Following: "20,"
Strike: "prior to"
Insert: "shall be contingent upon"

22. Page 7, lines 11 and 12.
Strike: Section 9 in its entirety

And, as so amended, do pass. Report adopted.

SB 349, introduced bill, be amended as follows:

1. Title, lines 6 and 7.
Following: "SHIPMENT OF SEED POTATOES"
Strike: remainder of these lines through "INSECTS"

2. Title, line 8.
Following: "MCA"
Strike: "; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

3. Page 1, line 23 through page 2, line 1.
Following: "commerce"
Strike: remainder of Section 2

4. Page 3, line 2.
Following: "agency to"
Strike: "certify"
Insert: "assure"

5. Page 3, line 3.
Following: "grade,"
Strike: "quality,"
Following: "size,"
Strike: "quantity,"

6. Page 3, line 25.
Following: "inspect,"
Strike: "analyze, test,"

Following: "and"
Strike: "certify"
Insert: "assure"

7. Page 4, line 1.
Following: "the"
Strike: "quality,"

8. Page 4, line 2.
Following: line 1
Strike: "quantity,"

9. Page 4, line 6.
Following: "potatoes."
Insert: "The department, in consultation with"

10. Page 4, line 7.
Following: "agent"
Insert: ","
Following: "in"
Strike: "80-5-302"
Insert: "Title 80, chapter 3, part 1"

11. Page 4, line 10.
Following: "through"
Strike: "7"
Insert: "8"

12. Page 4, lines 13 through 16.
Following: "restrictions."
Strike: remainder of these lines in their entirety

13. Page 4, line 17.
Following: line 16
Strike: "(a) no"
Insert: "(1) No"

14. Page 4, line 20.
Following: "purpose"
Strike: "; and"
Insert: "."

15. Page 4, line 21.
Following: line 20
Strike: "(b) no"
Insert: "(2) No"

16. Page 4, line 24 through line 2 on page 5.
Following: line 23
Strike: "(i)"
Insert: "(a)"
Following: "than"
Strike: remainder of line 24 through line 2 on page 5
Insert: "one of the standard grades for Montana seed potatoes established pursuant to [section 4] and is tagged and labeled in accordance with this standard grade;"

17. Page 5, line 3.
Following: line 2
Strike: "(ii)"
Insert: "(b)"

18. Page 5, line 7.

Following: line 6
Strike: "(iii)"
Insert: "(c)"

19. Page 5, line 9.
Following: line 8
Strike: "(2)"
Insert: "(3)"

20. Page 6, line 6.
Following: "standard"
Strike: "grade"
Insert: "grades"

21. Page 6, line 7.
Following: "established by" on lines 6 and 7
Strike: "Montana state university or its designated agent or by"

22. Page 6, line 8.
Following: "department"
Insert: "pursuant to [Sections 4 and 6]"

23. Page 6, lines 19 and 20.
Following: "relief."
Strike: "Montana state university or the"
Insert: "The"

24. Page 6, line 20.
Following: "department"
Strike: ", or both,"

25. Page 8, lines 11 and 12.
Strike: these lines in their entirety

And, as so amended, do pass. Report adopted.

The Committee adopted the following Statement of Intent:

STATEMENT OF INTENT: Senate Bill No. 349

A statement of intent is required for this bill because it delegates rulemaking authority to the Department of Agriculture in sections 4 and 6.

It is the legislative intent in delegating rulemaking authority to the Department in section 4 that the Department adhere as closely as possible to the recommendations made by Montana State University in its consultation with the Department, and that the person employed as potato specialist and extension plant pathologist at the University be involved in these consultations.

It is the legislative intent in delegating rulemaking authority to the Department in sections 4 and 6 that:

(1) In order to foster a healthy and most competitive certified seed potato industry in this state, such rules, grades, and seed tag colors should whenever possible be similar to, but not necessarily limited by, the uniform regulations, grades and seed tag colors of the other states in the western region and the nation;

(2) The necessary revisions of rules, grades, and tag colors should be introduced and proposed far in advance of their planned effective date and notice of hearings for revisions widely circulated among seed producers and other interested persons to review and comment upon, except in cases of an emergency;

(3) Such revisions to the rules, grades, and tag colors be adopted and printed long before the spring planting and shipping season;

(4) All rule, grade, and seed tag descriptions should be written clearly, concisely, and simply without unnecessary jargon, verbiage, and confusion so as to be easily understood by everyday farmers and their employees.

It is a further intent of this bill that legal due process and equal protection be provided to all parties affected by this act by the state and its various agencies.

First adopted by the Senate Agriculture, Livestock and Irrigation Committee on the 13th day of February, 1981.

Report adopted.

SB 363, introduced bill, be amended as follows:

1. Page 1, line 21.
Following: "the"
Strike: "advisory"

2. Page 1, line 22.
Following: "leaf-cutting bee"
Insert: "advisory"

3. Page 3, line 25.
Following: "an"
Strike: "advisory"

4. Page 4, line 1.
Following: "bee"
Insert: "advisory"

5. Page 4, line 17.
Strike: "appointing authority"
Insert: "governor"

6. Page 4, line 21.
Strike: "[section 9]"
Insert: "[section 10]"

7. Page 8, line 6.
Following: "(2)"
Insert: "There is an earmarked revenue account known as the leaf-cutting bee account for use by the department."

8. Page 8, lines 6 and 7.
Following: "collected"
Insert: "under [this act]"
Following: "the"
Strike: "earmarked revenue fund for use by the department"
Insert: "leaf-cutting bee account"

And, as so amended, do pass. Report adopted.

The Committee adopted the following Statement of Intent:

STATEMENT OF INTENT: Senate Bill No. 363

A statement of intent is required for this bill because it delegates rulemaking authority to the Department of Agriculture in Section 3.

It is the intent of this bill that the Department adhere as closely as possible to recommendations for rules made by the advisory committee established in section 4.

First adopted by the Senate Agriculture, Livestock and Irrigation Committee on the 13th day of February, 1981.

Report adopted.

SB 395, introduced bill, be amended as follows:

1. Page 1, line 13.
Following: "law,"
Strike: "Section 2-18-103 and 2-18-112"
Insert: "Sections 2-8-103 and 2-8-112"

2. Page 1, line 24.
Following: "to"
Strike: "2-18-122"
Insert: "2-8-122"

3. Page 9, line 14.
Following: "medicine"
Strike: "or veterinary technology"

And, as so amended, do pass. Report adopted.

SB 414, do pass. Report adopted.

EDUCATION AND CULTURAL RESOURCES (B. Brown, Chairman):
SB 440, introduced bill, be amended as follows:

1. Title, line 9.
Following: "MCA"
Insert: "; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE"

2. Page 3.
Following: line 5
Insert: "Section 2. Effective date. This act is effective on passage and approval."

And, as so amended, do pass. Report adopted.

SB 456, do pass. Report adopted.
SB 458, do pass. Report adopted.

FISH AND GAME (Smith, Chairman):
SB 459, introduced bill, be amended as follows:

1. Page 8, line 16.
Strike: "a citizen of the United States and"

2. Page 11, line 1.
Strike: subsection (b) in its entirety
Renumber: all subsequent subsections

And, as so amended, do pass. Report adopted.

NATURAL RESOURCES (Etchart, Vice-Chairman):
SB 138, introduced bill, be amended as follows:

1. Page 2, line 9.
Following: "of"
Strike: "80"
Insert: "50"

And, as so amended, do pass. Report adopted.

SB 140, introduced bill, be amended as follows:

1. Page 4, line 14.

Following: "water,"
Insert: "wind,"

2. Page 4, line 16.
Following: "capacity"
Insert: "not greater than 50 megawatts"

And, as so amended, do pass. Report adopted.

SB 196, do pass. Report adopted.

SB 229, introduced bill, be amended as follows:

1. Title, line 10.
Following: "LEASE" on line 9
Strike: "IS CONSUMMATED"
Insert: "APPLICATIONS ARE RECEIVED AND PROHIBITING CONSTRUCTION BY THE DEPARTMENT IF ALL LEASE APPLICATIONS ARE REJECTED BY THE BOARD."

2. Page 2, lines 10 and 11.
Following: "control"
Strike: "as of [the effective date of this act],"

3. Page 4, line 21.
Following: line 20
Insert: "(4) If all lease applications are rejected, the department may not construct a facility on its own."

4. Page 5, lines 17 and 18.
Following: "[section 3]" line 16
Strike: "or if the board rejects all lease applications under [section 4],"

5. Page 5, line 18.
Following: "department"
Strike: "shall"
Insert: "may upon approval of the legislature"

6. Page 5, line 20.
Following: the first "and"
Strike: "shall"

7. Page 5, line 22.
Following: "chapter."
Insert: "Construction may not commence until such time as the department has presented clear and convincing evidence to the legislature that construction is economically feasible and is the most practical means by which the facility could be developed."

8. Page 6, line 2.
Following: "utility"
Strike: "or"
Insert: ","

9. Page 6, line 3.
Following: "cooperative,"
Insert: "or a federal power-marketing agency"

10. Page 8, lines 11 through 13.
Following: "the" on line 11
Strike: "rural electrification administration upon petition by a rural electric cooperative or a generation and transmission cooperative"

Insert: "federal energy regulatory commission upon proper petition"

And, as so amended, do pass. Report adopted.

PUBLIC HEALTH, WELFARE AND SAFETY (Hager, Chairman):
SB 406, do pass. Report adopted.

EDUCATION AND CULTURAL RESOURCES (B. Brown, Chairman):
SJR 12, do pass. Report adopted.

Upon motion of Senator Stephens, duly carried, the Senate adjourned at 6:17 p.m. until Tuesday, February 17, at the hour of 2:30 p.m.

JEAN A. TURNAGE
President of the Senate

JOHN W. LARSON
Secretary of the Senate

THIRTY-EIGHTH LEGISLATIVE DAY

Helena, Montana
February 17, 1981

Senate Chambers
Capitol Building

Senate convened at 2:30 p.m., President Turnage presiding. Invocation by the Chaplain. Pledge of Allegiance to the Flag.

Roll call. All members present except Manning, excused. Quorum present.

Mr. President: We, your Committee on Bills and Journal, having examined the daily journal for the Thirty-seventh Legislative Day, find the same to be correct.

O'HARA, Chairman

REPORTS OF STANDING COMMITTEES

BILLS (O'Hara, Chairman):
Correctly engrossed - SB 13. Report adopted.

PRINTING (O'Hara, Chairman):
Correctly printed and placed on the members' desks - SB 243, SB 245, SB 422. Report adopted.

BILLS (O'Hara, Chairman):
Correctly engrossed - SB 7, SB 49, SB 103, SB 159, SB 242, SB 268, SB 297, SB 352, SB 389, SJR 16, SJR 18. Report adopted.

PRINTING (O'Hara, Chairman):
Correctly printed and placed on the members' desks - SB 29, SB 112, SB 133, SB 138, SB 140, SB 196, SB 293, SB 353, SB 363, SB 368, SB 395, SB 399, SB 406, SB 414, SB 440, SB 456, SB 458, SB 459, SJR 12. Report adopted.

FINANCE AND CLAIMS (Himsl, Chairman):
SB 448, do pass. Report adopted.

NATURAL RESOURCES (Dover, Chairman):
SB 139, introduced bill, be amended as follows:

1. Title, line 9.
Following: "COMMISSION"
Insert: "OR TO ELECTRIC COOPERATIVES UNDER TERMS AND CONDITIONS MUTUALLY AGREED UPON AND IN COMPLIANCE WITH THE PUBLIC UTILITY REGULATORY POLICIES ACT"

2. Page 1.
Following: line 15
Insert: "(2) "Electric cooperative" means a rural electric cooperative organized under the laws of Montana, or a foreign corporation admitted to do business in Montana."
Renumber: subsequent subsections in Section 1

3. Page 1, line 21.
Following: "water,"
Insert: "wind,"

4. Page 2, line 6.
Following: "section 1"
Strike: "(3)"

Insert: "(4)"

5. Page 2, line 9.
Following: "may" on line 8
Strike: "not engage in the distribution of the electricity it generates"
Insert: "generate electricity from the sources described in [section 1(4)(a)] and may contract for the sale of that electricity with an electric cooperative under terms and conditions mutually agreed upon between the parties and in compliance with the rates and regulations established by the Public Utility Regulatory Policies Act"

6. Page 3, line 20.
Following: "the"
Strike: "levelized"

And, as so amended, do pass. Report adopted.

FINANCE AND CLAIMS (Himsl, Chairman):
HB 341, be concurred in. Report adopted.
HB 482, be concurred in. Report adopted.
HB 519, be concurred in. Report adopted.

MOTIONS

Senator Stephens moved that the Senate recess.

Senate recessed at 2:38 p.m.

Senate resumed at 3:20 p.m.

Senator Manning entered the Senate Chamber at 3:20 p.m.

At the request of the President, and without objection, the Senate reverted to Order of Business No. 2.

REPORTS OF STANDING COMMITTEES

AGRICULTURE, LIVESTOCK AND IRRIGATION (Galt, Chairman):
SB 254, introduced bill, be amended as follows:

1. Title, line 5.
Following: "INTERBASIN"
Strike: "AND INTERSTATE"

2. Title, line 9.
Following: "TRANSFER"
Insert: "; PROVIDING FOR MODIFICATION, REVOCATION, OR EXTENSION OF SUCH CONSENT UNDER CERTAIN CONDITIONS; AND PROVIDING AN EFFECTIVE DATE"

3. Page 1, line 16.
Following: "Basin"
Strike: "14,000"
Insert: "12,000"

4. Page 1, line 17.
Following: "Intake's"
Insert: "claimed"

5. Page 1, lines 20 through 21.
Following: "uses."
Strike: line 20 through "[section 1]," on line 21
Insert: "The"

6. Page 1, line 22.

Following: "year"
Insert: "as specified in [section 1]"

7. Page 2, lines 6 through 13.
Strike: Section 3 in its entirety
Renumber: subsequent sections

8. Page 2, line 14.
Following: "permission."
Insert: "(1)"

9. Page 2.
Following: line 20
Insert: "(2) Intake Water Company shall keep a daily record of the water diverted from the Yellowstone River Basin to the Little Missouri River Basin and shall supply such records to the department of natural resources and conservation upon the department's request.

Section 4. Modification, revocation, or extension of consent. The consent granted by [this act] for the interbasin transfer of certain waters of the Yellowstone River may be modified, revoked, or extended by the Montana legislature upon the termination of a project or a purpose pursuant to [section 2] or in 50 years from the date the waters are first put to beneficial use, whichever occurs first.

Section 5. Consent subject to approval by North Dakota and Wyoming. The consent granted by [this act] may be modified, revoked, or extended by the Montana legislature if North Dakota or Wyoming has not granted its consent to the interbasin transfer of the waters subject to [this act] within 5 years after [the effective date of this act].

Section 6. Effective date of this act. This act shall be effective on passage and approval."

And, as so amended, do not pass. Report adopted.

Thereupon, the Adverse Committee Report was adopted by the following roll call vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Eck, Elliott, Goodover, Graham, Haffey, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Manning, Mazurek, Nelson, Norman, Ochsner, O'Hara, Regan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 37

Noes: Dover, Etchart, Galt, Hafferman, Johnson, Kolstad, Lee, Manley, Olson, Ryan.
Total 10

Excused: None.
Total 0

Absent or not voting: Hager, Keating, McCallum.
Total 3

FINANCE AND CLAIMS (Himsl, Chairman):
SB 415, introduced bill, be amended as follows:

1. Pages 5 and 6.
Following: line 22

Strike: line 23 through line 2, page 6
Insert: "(7) The special education budget of the Yellowstone boys and girls ranch (elementary school district No. 58) shall include the amount of non-restricted indirect cost as approved by the Office of Public Instruction and shall not be pro-rated in accordance with subsection (6)."

And, as so amended, do not pass. Report adopted.

Thereupon, the Adverse Committee Report was adopted by the following roll call vote:

Ayes: Aklestad, Anderson, Boylan, Conover, Dover, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Hammond, Hazelbaker, Healy, Himsl, Johnson, Kolstad, Lee, Manley, Manning, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Severson, Smith, Stephens, Stimatz, Story, Thomas, Tveit, Mr. President.
Total 34

Noes: Berg, Blaylock, B. Brown, S. Brown, Crippen, Eck, Haffey, Hager, Halligan, Jacobson, Mazurek, Regan, Ryan, Towe, Van Valkenburg.
Total 15

Excused: None.
Total 0

Absent or not voting: Keating.
Total 1

FISH AND GAME (Smith, Chairman):
SB 18, do not pass.

Thereupon, the Adverse Committee Report was adopted by the following roll call vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Severson, Smith, Stephens, Stimatz, Story, Thomas, Tveit, Mr. President.
Total 45

Noes: S. Brown, Regan, Ryan, Towe, Van Valkenburg.
Total 5

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 51, do not pass.

Thereupon, the Adverse Committee Report was adopted by the following roll call vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.

Total 47

Noes: S. Brown, Galt, Ryan.
Total 3

Excused: None.
Total 0

Absent or not voting: None.
Total 0

STATE ADMINISTRATION (Story, Chairman):
SB 437, do not pass.

Thereupon, the Adverse Committee Report was adopted by the following roll call vote:

Ayes: Aklestad, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: Anderson, Eck.
Total 2

Excused: None.
Total 0

Absent or not voting: None.
Total 0

BILLS (O'Hara, Chairman):
Correctly engrossed - SB 137. Report adopted.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following House Bill was on 2/17/81, passed and transmitted to the Senate for concurrence:

House Bill No. 502, introduced by Anderson (92-0)

MOTIONS

Upon motion of Senator Stephens, duly carried, that the President be authorized to appoint a Free Conference Committee of three to meet with a like committee from the House to confer on House Bill No. 94.

Senator B. Brown moved that the Senate reconsider its action taken on indefinitely postponing Senate Bill No. 227. Motion failed by the following vote:

Ayes: Aklestad, Blaylock, B. Brown, S. Brown, Crippen, Dover, Eck, Elliott, Hager, Keating, Kolstad, Manning, Mazurek, Nelson, Ochsner, O'Hara, Olson, Regan, Smith, Towe, Mr. President.
Total 21

Noes: Anderson, Berg, Boylan, Conover, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Lee, Manley, McCallum, Norman, Ryan, Severson, Stephens, Stimatz, Story, Thomas, Tveit, Van Valkenburg.
Total 29

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Motion was made by Senator Blaylock that House Bill No. 250 be taken from Second Reading and rereferred to the Committee on Taxation. Motion failed by the following vote:

Ayes: Berg, Blaylock, Boylan, S. Brown, Conover, Eck, Hafferman, Haffey, Halligan, Healy, Jacobson, Manning, Mazurek, Norman, Olson, Regan, Ryan, Stimatz, Thomas, Towe, Van Valkenburg.
Total 21

Noes: Aklestad, Anderson, B. Brown, Crippen, Dover, Elliott, Etchart, Galt, Goodover, Hager, Hammond, Hazelbaker, Himsl, Johnson, Keating, Kolstad, Lee, Manley, McCallum, Nelson, Ochsner, O'Hara, Severson, Smith, Stephens, Story, Tveit, Mr. President.
Total 28

Excused: None.
Total 0

Absent or not voting: Graham.
Total 1

FIRST READING OF BILLS

The following Senate Joint Resolution was introduced, read first time and referred to committee:

SJR 22, introduced by B. Brown, E. Smith. Referred to Committee on Education and Cultural Resources.

The following House bill was introduced, read first time and referred to committee:

HB 502, introduced by Anderson, Harp, Burnett, Jacobsen, Neuman. Referred to Committee on Highways and Transportation.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

Senate Bill No. 57 was passed by the following vote:

Ayes: Aklestad, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Hafferman, Haffey, Hager, Halligan, Hazelbaker, Healy, Himsl, Jacobson, Kolstad, Manning, Mazurek, McCallum, Norman, Ochsner, O'Hara, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 34

Noes: Anderson, Crippen, Dover, Elliott, Etchart, Galt, Goodover, Johnson, Keating, Lee, Manley, Nelson, Olson.
Total 13

Excused: None.
Total 0

Absent or not voting: Eck, Graham, Hammond.
Total 3

Senate Bill No. 181 was passed by the following vote:

Ayes: Aklestad, Anderson, Boylan, B. Brown, Conover, Crippen, Dover, Elliott, Etchart, Galt, Goodover, Hafferman, Haffey, Hager, Hammond, Hazelbaker, Healy, Johnson, Keating, Kolstad, Lee, Manley, Manning, McCallum, Nelson, Ochsner, O'Hara, Olson, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Tveit, Mr. President.
Total 37

Noes: Berg, S. Brown, Eck, Halligan, Himsl, Jacobson, Mazurek, Norman, Regan, Towe, Van Valkenburg.
Total 11

Excused: None.
Total 0

Absent or not voting: Blaylock, Graham.
Total 2

Senate Bill No. 204 was passed by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: Graham.
Total 1

Senate Bill No. 255 was passed by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Senate Bill No. 257 was passed by the following vote:

Ayes: Berg, Blaylock, B. Brown, S. Brown, Conover, Eck, Hafferman, Haffey, Hager, Halligan, Healy, Himsl, Jacobson, Johnson, Keating, Manning, Mazurek, McCallum, Norman, Regan, Ryan, Severson, Stimatz, Story, Thomas, Towe, Van Valkenburg.

Total 27

Noes: Aklestad, Anderson, Boylan, Crippen, Dover, Elliott, Etchart, Galt, Goodover, Graham, Hammond, Hazelbaker, Kolstad, Lee, Manley, Nelson, Ochsner, O'Hara, Olson, Smith, Stephens, Tveit, Mr. President.
Total 23

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Senate Bill No. 270 was passed by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manning, Mazurek, McCallum, Nelson, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Van Valkenburg, Mr. President.
Total 46

Noes: Goodover, Manley, Norman, Tveit.
Total 4

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Senate Bill No. 271 was passed by the following vote:

Ayes: Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Hammond, Hazelbaker, Healy, Johnson, Keating, Kolstad, Lee, Manley, Manning, McCallum, Nelson, O'Hara, Olson, Ryan, Story, Thomas, Towe, Mr. President.
Total 33

Noes: Aklestad, Dover, Eck, Elliott, Halligan, Himsl, Jacobson, Mazurek, Norman, Ochsner, Regan, Severson, Smith, Stephens, Stimatz, Tveit, Van Valkenburg.
Total 17

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Senate Bill No. 347 was passed by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: S. Brown, Mazurek.

Total 2

Excused: None.
Total 0

Absent or not voting: None.
Total 0

House Bill No. 118 was concurred in by the following vote:

Ayes: Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Elliott, Etchart, Galt, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Ochsner, O'Hara, Olson, Severson, Smith, Stephens, Stimatz, Story, Thomas, Tveit, Mr. President.
Total 40

Noes: Aklestad, Dover, Eck, Goodover, Johnson, Norman, Regan, Ryan, Towe, Van Valkenburg.
Total 10

Excused: None.
Total 0

Absent or not voting: None.
Total 0

House Bill No. 124 was concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Etchart, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 47

Noes: Elliott, Hafferman, Ryan.
Total 3

Excused: None.
Total 0

Absent or not voting: None.
Total 0

House Bill No. 139 was concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Mr. President.
Total 46

Noes: Eck, Hager, Ryan, Van Valkenburg.
Total 4

Excused: None.
Total 0

Absent or not voting: None.

Total 0

House Bill No. 322 was concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

At the request of the President, and without objection, the Senate reverted to Order of Business No. 8.

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Norman in the Chair.

Senate resumed. President Turnage in the Chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on Second Reading, recommend as follows:

That House Bill No. 250 be concurred in by the following vote:

Ayes: Aklestad, Anderson, B. Brown, Crippen, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Hager, Hammond, Hazelbaker, Healy, Himsl, Johnson, Keating, Kolstad, Lee, Manley, McCallum, Nelson, Ochsner, O'Hara, Olson, Ryan, Severson, Smith, Stephens, Stimatz, Story, Tveit, Mr. President.
Total 33

Noes: Berg, Blaylock, S. Brown, Conover, Eck, Haffey, Halligan, Jacobson, Manning, Mazurek, Norman, Regan, Thomas, Towe, Van Valkenburg.
Total 15

Excused: None.
Total 0

Absent or not voting: Boylan, Dover.
Total 2

That Senate Bill No. 266 be amended as follows:

1. Title, line 6.
Following: "GOVERNMENT"
Strike: "OR BY AN AGENCY OF THE STATE GOVERNMENT"

2. Page 1, line 20.
Following: "of"
Insert: "or trade"

3. Page 1, line 22.
Following: "Montana"
Insert: "and purchased after [the effective date of this act]"

4. Page 2, lines 3 through 13.
Following: "Section 3."
Strike: the remainder of Section 3
Insert: "Withdrawal of consent to purchase additional state lands for national forest purposes and migratory bird reservations. The consent of the state of Montana to the purchase by the United States of lands within the state of Montana to be used for national forest purposes and migratory bird reservations as described in 2-1-210 and 2-1-211, and the consent of the state of Montana to the exercise of legislative jurisdiction by the United States over any additional lands to be used for national forest purposes and migratory bird reservations, as such consents may be contained in 2-1-210 and 2-1-211, is withdrawn, and exclusive legislative jurisdiction over all lands within the state of Montana that may be added hereafter to said national forests and migratory bird reservations shall be retained in the state of Montana."

Amendment passed by the following vote:

Ayes: Aklestad, Blaylock, B. Brown, S. Brown, Elliott, Etchart, Goodover, Haffey, Halligan, Hammond, Hazelbaker, Healy, Johnson, Keating, Lee, Mazurek, Ochsner, O'Hara, Olson, Severson, Smith, Stephens, Stimatz, Story, Tveit, Van Valkenburg, Mr. President.
Total 27

Noes: Berg, Conover, Crippen, Eck, Hafferman, Himsl, Jacobson, Manley, Regan, Ryan, Towe.
Total 11

Excused: None.
Total 0

Absent or not voting: Anderson, Boylan, Dover, Galt, Graham, Hager, Kolstad, Manning, McCallum, Nelson, Norman, Thomas.
Total 12

That Senate Bill No. 266 as amended do pass. Motion failed by the following vote:

Ayes: Aklestad, Anderson, Etchart, Goodover, Graham, Hammond, Kolstad, Lee, Manley, Nelson, O'Hara, Ryan, Stephens.
Total 13

Noes: Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Hafferman, Haffey, Halligan, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Manning, Mazurek, McCallum, Ochsner, Olson, Regan, Severson, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 33

Excused: None.
Total 0

Absent or not voting: Galt, Hager, Norman, Smith.
Total 4

That Senate Bill No. 266 be indefinitely postponed. Motion carried by the following vote:

Ayes: Aklestad, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Eck, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Manning, Mazurek, McCallum, Norman, Ochsner, Olson, Regan, Severson, Smith, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 36

Noes: Anderson, Dover, Elliott, Etchart, Galt, Hammond, Keating, Kolstad, Lee, Nelson, O'Hara, Ryan, Stephens.
Total 13

Excused: None.
Total 0

Absent or not voting: Manley.
Total 1

That Senate Bill No. 134 do pass by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

That Senate Bill No. 160 do pass by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: Eck.
Total 1

Excused: None.
Total 0

Absent or not voting: None.
Total 0

That Senate Bill No. 182 pass consideration. Unanimously passed.

That Senate Bill No. 301 do pass. Motion failed by the following vote:

Ayes: Blaylock, Dover, Galt, Goodover, Hafferman, Hager, Lee, Manley, Nelson, Olson, Ryan, Story.
Total 12

Noes: Aklestad, Anderson, Berg, Boylan, B. Brown, S. Brown, Conover, Crippen, Eck, Elliott, Graham, Haffey, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Mazurek, McCallum, Norman, Ochsner, O'Hara, Regan, Severson, Smith, Stephens, Stimatz, Towe, Tveit, Van Valkenburg, Mr. President.
Total 35

Excused: None.
Total 0

Absent or not voting: Etchart, Manning, Thomas.
Total 3

That Senate Bill No. 301 be indefinitely postponed. Motion carried by the following vote:

Ayes: Aklestad, Anderson, Berg, Boylan, B. Brown, S. Brown, Conover, Crippen, Eck, Elliott, Graham, Haffey, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Kolstad, Mazurek, Norman, Ochsner, O'Hara, Regan, Severson, Smith, Stephens, Stimatz, Story, Towe, Tveit, Van Valkenburg, Mr. President.
Total 33

Noes: Blaylock, Dover, Galt, Goodover, Hafferman, Hager, Johnson, Keating, Lee, Manley, Nelson, Ryan.
Total 12

Excused: None.
Total 0

Absent or not voting: Etchart, Manning, McCallum, Olson, Thomas.
Total 5

That Senate Bill No. 331 do pass by the following vote:

Ayes: Anderson, Blaylock, Boylan, B. Brown, S. Brown, Dover, Eck, Galt, Goodover, Haffey, Hager, Halligan, Healy, Jacobson, Johnson, Kolstad, Lee, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Ryan, Stephens, Stimatz, Story, Towe, Van Valkenburg.
Total 29

Noes: Aklestad, Berg, Conover, Elliott, Hazelbaker, Himsl, Keating, Manley, Manning, Regan, Severson, Smith, Mr. President.
Total 13

Excused: None.
Total 0

Absent or not voting: Crippen, Etchart, Graham, Hafferman, Hammond, Olson, Thomas, Tveit.
Total 8

That Senate Bill No. 336 pass consideration. Unanimously passed.

That Senate Bill No. 338 do pass by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

That Senate Bill No. 341 do pass by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

That Senate Bill No. 394 do pass by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

That Senate Bill No. 400 do pass by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.

Total 0

Absent or not voting: None.
Total 0

That Senate Bill No. 404 do pass by the following vote:

Ayes: Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: Aklestad.
Total 1

Excused: None.
Total 0

Absent or not voting: None.
Total 0

That Senate Bill No. 403 do pass by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

That Senate Bill No. 411 do pass by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

That Senate Bill No. 436 do pass by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

That House Bill No. 23 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

That the Committee rise and report. (Norman, Chairman)

Upon motion of Senator Norman, duly carried, the foregoing Report of the Committee of the Whole was adopted.

At the request of the President, and without objection, the Senate reverted to Order of Business No. 2.

REPORTS OF STANDING COMMITTEES

PRINTING (O'Hara, Chairman):
Correctly printed and placed on the members' desks - SB 229, SB 265, SB 267, SB 349. Report adopted.

The Senate will please take note that the President did, at the hour of 4:20 p.m., 2/17/81, sign the following bills:
HB 47, HB 255.

Jean A. Turnage
President

LABOR AND EMPLOYMENT RELATIONS (Nelson, Chairman):
SB 360, do pass. Report adopted.

UNFINISHED BUSINESS

President Turnage appointed a Free Conference Committee of three to meet with the House Free Conference Committee to confer on House Bill No. 94.

The President appointed the following members:

Senator Dover, Chairman
Senator Keating
Senator Van Valkenburg

Upon motion of Senator Stephens, duly carried, the Senate adjourned at 6:21 p.m. until Wednesday, February 18, at the hour of 2:30 p.m.

JEAN A. TURNAGE
President of the Senate

JOHN W. LARSON
Secretary of the Senate

THIRTY-NINTH LEGISLATIVE DAY

Helena, Montana
February 18, 1981

Senate Chambers
Capitol Building

Senate convened at 2:30 p.m., President Turnage presiding. Invocation by the Chaplain. Pledge of Allegiance to the Flag.

Roll call. All members present except Manning, excused. Quorum present.

Mr. President: We, your Committee on Bills and Journal, having examined the daily journal for the Thirty-eighth Legislative Day, find the same to be correct.

O'HARA, Chairman

REPORTS OF STANDING COMMITTEES

PRINTING (O'Hara, Chairman):
Correctly printed and placed on the members' desks - SB 139, SB 163, SB 360, SB 448. Report adopted.

BILLS (O'Hara, Chairman):
Correctly engrossed - SB 134, SB 160, SB 331, SB 338, SB 341, SB 400, SB 403, SB 404, SB 411, SB 436. Report adopted.

FISH AND GAME (Smith, Chairman):
SB 320, do pass. Report adopted.

SB 413, introduced bill, be amended as follows:

1. Page 2, line 1.
Following: "Cervus"
Strike: "canaensis"
Insert: "elaphus"

2. Page 2, line 3.
Strike: "Oreamos"
Insert: "Oreamnos"

3. Page 2, line 4.
Following: line 3
Strike: "americana"
Insert: "americanus"

4. Page 3, line 7.
Strike: "Oendragapus"
Insert: "Dendragapus"

5. Page 3, line 10.
Strike: "centrocerus"
Insert: "centrocercus"

6. Page 3, line 12.
Following: line 11
Strike: "quail, pheasant"

7. Page 3, line 15.
Following: "Alectoris"
Strike: "colchicus"
Insert: "graeca"

And, as so amended, do pass. Report adopted.

HIGHWAYS AND TRANSPORTATION (Etchart, Chairman):
SB 434, introduced bill, be amended as follows:

1. Title, line 6.
Following: "WIDTH"
Insert: ", EXCLUDING THE STEERING AXLE,"
Strike: "550"
Insert: "600"

2. Page 4, line 22.
Following: "width"
Insert: ", excluding the steering axle,"
Strike: "550"
Insert: "600"

3. Page 7, line 5.
Following: "width"
Insert: ", excluding the steering axle,"
Strike: "550"
Insert: "600"

And, as so amended, do pass. Report adopted.

JUDICIARY (Anderson, Chairman):
SB 277, introduced bill, be amended as follows:

1. Line 12.
Following: "judge"
Insert: stricken language

2. Line 18.
Following: "."
Strike: "He"
Insert: "A district judge"

3. Line 20.
Following: "the"
Strike: "board of pardons"
Insert: "department of institutions"

And, as so amended, do pass. Report adopted.

SB 288, do pass. Report adopted.
SB 290, do pass. Report adopted.
SB 479, do pass. Report adopted.

STATE ADMINISTRATION (Story, Chairman):
SB 217, introduced bill, be amended as follows:

1. Title, lines 8 and 9.
Following: "ON"
Strike: "NUMBER OF LICENSEES"
Insert: "EQUITABLE CRITERIA"

2. Page 2, line 17.
Following: "on"
Strike: "a pro rata basis according to the number of"

3. Page 2, line 19.
Following: line 18
Strike: "licensees under each board"
Insert: "an equitable basis as determined by the department"

4. Page 3, line 6.

Following: "to the"
Insert: "propriety of the applicants"
Following: "of"
Insert: "or their fitness to practice"

5. Page 3, line 12 through line 14.
Following: "report"
Strike: "to the governor as required by 2-7-102. Copies shall be furnished to each member of the legislature. The report"
Insert: ". In addition to the information prescribed by the governor under 2-7-102, the biennial report of the department"

And, as so amended, do pass. Report adopted.

SB 235, introduced bill, be amended as follows:

1. Title, line 6.
Following: "OF"
Strike: "EXPLANATION"
Insert: "PURPOSE"

2. Page 4, line 15.
Following: "forward the"
Insert: "petition to the legislative council within 10 days after receipt of the petition by the attorney general. The legislative council shall forward the"

3. Page 4, line 17.
Following: "within"
Strike: "21"
Insert: "11"
Following: "petition"
Strike: "by"
Insert: "from"

And, as so amended, do pass. Report adopted.

SB 273, introduced bill, be amended as follows:

1. Page 1, line 25 through page 2, line 1.
Strike: all of line 25, page 1 and line 1, page 2 in its entirety
Insert: "committee certifies the result of a poll of all members of the legislature. The committee shall conduct the poll under the provisions of 2-4-403 and this subsection within 2 weeks of its action."

2. Page 2, line 22 through line 23.
Following: "shall,"
Strike: "by joint resolution, at the next regular session"

3. Page 2, line 25.
Following: "[section 1],"
Insert: "vote by mail ballot pursuant to 2-4-403 to"

4. Page 3, line 1 through line 3.
Following: "action."
Strike: remainder of line 1 through "reversed." on line 3

5. Page 3, line 9.
Following: "the"
Strike: "disapproved"
Insert: "unapproved"
Following: "rule"

Insert: "unless a subsequent legislature grants authority to adopt the rule"

And, as so amended, do pass. Report adopted.

SB 385, introduced bill, be amended as follows:

1. Page 3, line 10.
Following: "the"
Strike: "occurrence"
Insert: "discovery"

And, as so amended, do pass. Report adopted.

SB 432, introduced bill, be amended as follows:

1. Page 6, line 19.
Following: line 18
Strike: "15-36-112"

2. Page 7, line 12.
Following: line 11
Insert: "(2) The program is attached for administrative purposes only as prescribed in 2-15-121. However, the program may hire its own personnel, and 2-15-121 (2)(d) does not apply."
Renumber: all subsequent subsections

3. Page 8, line 3 through line 5.
Following: "53-10-101"
Strike: remainder of line 3 through "75-20-501" on line 5

4. Page 10, lines 14 and 15.
Following: "of"
Strike: "business regulation"
Insert: "commerce"

And, as so amended, do pass. Report adopted.

TAXATION (Goodover, Chairman):
SB 279, do pass. Report adopted.

JUDICIARY (Anderson, Chairman):
SJR 20, introduced bill, be amended as follows:

1. Page 2, line 7.
Following: "Article"
Strike: "XII"
Insert: "VII"

2. Page 2, line 15.
Following: "the"
Strike: "proper"
Insert: "qualified"

And, as so amended, do pass. Report adopted.

HIGHWAYS AND TRANSPORTATION (Etchart, Chairman):
SB 416, introduced bill, be amended as follows:

1. Page 1, line 11.
Following: "chapter"
Strike: "7"
Insert: "4"

And, as so amended, do not pass. Report adopted.

Thereupon, the Adverse Committee Report was adopted by the following roll call vote:

Ayes: Aklestad, Berg, B. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Mr. President.
Total 42

Noes: Anderson, Blaylock, Boylan, Ryan.
Total 4

Excused: Manning.
Total 1

Absent or not voting: S. Brown, Galt, Van Valkenburg.
Total 3

JUDICIARY (Anderson, Chairman):
SB 364, do not pass.

Thereupon, the Adverse Committee Report was adopted by the following roll call vote:

Ayes: Aklestad, Berg, Blaylock, B. Brown, S. Brown, Conover, Crippen, Eck, Etchart, Galt, Goodover, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Kolstad, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Regan, Severson, Smith, Stephens, Story, Thomas, Towe, Van Valkenburg, Mr. President.
Total 36

Noes: Anderson, Boylan, Dover, Elliott, Graham, Hafferman, Keating, Lee, Manley, Olson, Ryan, Stimatz, Tveit.
Total 13

Excused: Manning.
Total 1

Absent or not voting: None.
Total 0

SB 369, do not pass.

Thereupon, the Adverse Committee Report was adopted by the following roll call vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: Ryan.
Total 1

Excused: Manning.
Total 1

Absent or not voting: None.

Total 0

SB 478, do not pass.

Thereupon, the Adverse Committee Report was adopted by the following roll call vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Manley, Mazurek, McCallum, Nelson, Norman, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 47

Noes: Ochsner.
Total 1

Excused: Manning.
Total 1

Absent or not voting: Lee.
Total 1

STATE ADMINISTRATION (Story, Chairman):
SB 259, do not pass.

Thereupon, the Adverse Committee Report was adopted by the following roll call vote:

Ayes: Aklestad, Anderson, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Hager, Hammond, Hazelbaker, Healy, Himsl, Johnson, Keating, Kolstad, Lee, Manley, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Severson, Smith, Stephens, Stimatz, Story, Tveit, Mr. President.
Total 37

Noes: Berg, Blaylock, Eck, Haffey, Halligan, Jacobson, Mazurek, Regan, Ryan, Towe, Van Valkenburg.
Total 11

Excused: Manning.
Total 1

Absent or not voting: Thomas.
Total 1

MOTIONS

Upon the motion of Senator Stephens, duly carried, the Senate recessed.

Senate recessed at 2:54 p.m.

Senate resumed at 3:31 p.m.

At the request of the President, and without objection, the Senate reverted to Order of Business No. 5.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following House Bills were on 2/17/81, passed and transmitted to the Senate for concurrence:

House Bill No. 5, introduced by Yardley (94-0)

House Bill No. 92, introduced by Asay (94-3)

House Bill No. 138, introduced by Ellerd (94-0)

House Bill No. 152, introduced by Donaldson (89-10)

House Bill No. 161, introduced by Gould (95-4)

House Bill No. 208, introduced by Keedy (91-9)

House Bill No. 222, introduced by Robbins (71-29)

House Bill No. 283, introduced by Fabrega (99-0)

House Bill No. 295, introduced by Pistoria (90-10)

House Bill No. 329, introduced by Kanduch (91-8)

House Bill No. 389, introduced by Hart (92-7)

House Bill No. 404, introduced by Keedy (68-30)

House Bill No. 413, introduced by Bertelsen (92-5)

House Bill No. 414, introduced by Nordtvedt (95-4)

House Bill No. 424, introduced by Brown (93-7)

House Bill No. 450, introduced by Ellerd (100-0)

House Bill No. 452, introduced by Meyer (99-0)

House Bill No. 488, introduced by Jacobsen (88-11)

House Bill No. 507, introduced by Azzara (99-1)

House Bill No. 524, introduced by Hurwitz (100-0)

House Bill No. 525, introduced by Ellerd (94-5)

House Bill No. 531, introduced by Keedy (90-10)

House Bill No. 534, introduced by Huennekens (98-0)

House Bill No. 573, introduced by Nordtvedt (83-16)

House Bill No. 575, introduced by Kitselman (96-4)

House Bill No. 587, introduced by Hanson (98-2)

House Bill No. 593, introduced by Gould (100-0)

House Bill No. 598, introduced by Asay (98-0)

House Bill No. 621, introduced by Meyer (98-1)

House Bill No. 630, introduced by Sales (92-8)

House Bill No. 632, introduced by Sivertsen (97-3)

House Bill No. 643, introduced by Matsko (93-6)

FIRST READING OF BILLS

The following Senate Joint Resolution was introduced, read first time and referred to committee:

SJR 23, introduced by Towe, Goodover, Turnage, Stephens, (By Request of the Senate Taxation Committee). Referred to Committee on Taxation.

The following House bills were introduced, read first time and referred to committees:

HB 5, introduced by Yardley, (By Request of the Committee on Corrections Policy and Facility Needs). Referred to Committee on Judiciary.
HB 92, introduced by Asay, (By Request of the Department of Revenue). Referred to Committee on Taxation.
HB 138, introduced by Ellerd, Boylan. Referred to Committee on Judiciary.
HB 152, introduced by Donaldson, (By Request of the Department of Health and Environmental Sciences). Referred to Committee on Public Health, Welfare and Safety.
HB 161, introduced by Gould. Referred to Committee on State Administration.
HB 208, introduced by Keedy. Referred to Committee on Judiciary.
HB 222, introduced by Robbins, Shontz, Zabrocki, Dussault, Bertelsen, Metcalf, Harper, McLane, Underdal, Jensen, Kessler, Quilici. Referred to Committee on Fish and Game.
HB 283, introduced by Fabrega, Hager. Referred to Committee on Labor and Employment Relations.
HB 295, introduced by Pistoria, Hemstad, Meyer, O'Connell. Referred to Committee on Local Government.
HB 329, introduced by Kanduch, Pavlovich, Kropp. Referred to Committee on State Administration.
HB 389, introduced by Hart, Lund, Smith, Jacobsen, Shontz, Tveit. Referred to Committee on Taxation.
HB 404, introduced by Keedy. Referred to Committee on Education and Cultural Resources.
HB 413, introduced by Bertelsen. Referred to Committee on Local Government.
HB 414, introduced by Nordtvedt. Referred to Committee on Labor and Employment Relations.
HB 424, introduced by D. Brown, Harrington, Daily, Quilici, Pavlovich, McBride, Jacobsen, Healy, Stimatz. Referred to Committee on Local Government.
HB 450, introduced by Ellerd, Conroy, Sivertsen, Sales. Referred to Committee on Business and Industry.
HB 452, introduced by Meyer, Ernst, Thoft, Hemstad, Bardanouve, (By Request of the Department of Agriculture). Referred to Committee on Agriculture, Livestock and Irrigation.
HB 488, introduced by Jacobsen, Manuel. Referred to Committee on Agriculture, Livestock and Irrigation.
HB 507, introduced by Azzara, Bergene, Kemmis, Eudaily. Referred to Committee on Local Government.
HB 524, introduced by Hurwitz, Sivertsen, Schultz. Referred to Committee on Agriculture, Livestock and Irrigation.
HB 525, introduced by Ellerd, (By Request of the Department of Community Affairs). Referred to Committee on Taxation.
HB 531, introduced by Keedy. Referred to Committee on Public Health, Welfare and Safety.
HB 534, introduced by Huennekens, (By Request of the Department of Revenue). Referred to Committee on Judiciary.
HB 573, introduced by Nordtvedt. Referred to Committee on State Administration.
HB 575, introduced by Kitselman. Referred to Committee on Local Government.
HB 587, introduced by Hanson, Lory, Eudaily, Andreason, Dussault, Waldron, Kemmis, Anderson, Norman. Referred to Committee on Education and Cultural Resources.
HB 593, introduced by Gould, Hart, Dozier, Zabrocki, Asay, Harp, Feda, Oberg, Brand, Healy, Ochsner, Devlin, Stephens, B. Brown,

Holliday, Yardley, Thomas, Galt. Referred to Committee on Highways and Transportation.

HB 598, introduced by Asay, Keedy, (By Request of the Attorney General). Referred to Committee on Judiciary.

HB 621, introduced by Meyer, M. Anderson, Fabrega. Referred to Committee on Judiciary.

HB 630, introduced by Sales, Ellerd, (By Request of the House Committee on State Administration and the Department of Community Affairs). Referred to Committee on State Administration.

HB 632, introduced by Sivertsen, (By Request of the Department of Institutions). Referred to Committee on Public Health, Welfare and Safety.

HB 643, introduced by Matsko. Referred to Committee on Local Government.

At the request of the President, and without objection, the Senate reverted to Order of Business No. 6.

MOTIONS

Senator Dover moved that the Senate reconsider its action taken on the adoption of an Adverse Committee Report on Senate Bill No. 254 and that it be printed and placed on Second Reading. Motion failed by the following vote:

Ayes: Anderson, B. Brown, Dover, Elliott, Etchart, Galt, Goodover, Hammond, Himsl, Johnson, Keating, Kolstad, Lee, Manley, Manning, McCallum, Nelson, O'Hara, Olson, Severson, Stephens, Story.
Total 22

Noes: Aklestad, Berg, Blaylock, Boylan, S. Brown, Conover, Crippen, Eck, Graham, Haffey, Hager, Halligan, Hazelbaker, Healy, Jacobson, Mazurek, Norman, Ochsner, Regan, Ryan, Smith, Stimatz, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 27

Excused: None.
Total 0

Absent or not voting: Hafferman.
Total 1

(Including the following pair: Manning, aye - Hazelbaker, no.)

Motion was made by Senator B. Brown that Senate Bill No. 182 be taken from Second Reading and rereferred to the Committee on Judiciary. Motion carried by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Manning.
Total 1

Absent or not voting: None.
Total 0

Senator Regan moved that the Senate reconsider its action taken on the adoption of an Adverse Committee Report on Senate Bill No. 415 and that it be printed and placed on Second Reading. Motion failed by the following vote:

Ayes: Berg, Blaylock, S. Brown, Conover, Crippen, Eck, Elliott, Haffey, Hager, Halligan, Hazelbaker, Healy, Jacobson, Keating, Kolstad, Lee, Manley, Mazurek, Regan, Ryan, Towe, Van Valkenburg.
Total 22

Noes: Aklestad, Anderson, Boylan, Dover, Etchart, Galt, Goodover, Graham, Hafferman, Hammond, Himsl, Johnson, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Severson, Smith, Stephens, Stimatz, Story, Thomas, Tveit, Mr. President.
Total 26

Excused: Manning.
Total 1

Absent or not voting: B. Brown.
Total 1

Without objection, that Senate Bill No. 133 on Second Reading this Legislative Day, be placed in front of Senate Bill No. 399 on Second Reading this Legislative Day.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

Senate Bill No. 7 was passed by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Mazurek, McCallum, Norman, Ochsner, O'Hara, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 42

Noes: S. Brown, Lee, Nelson, Olson, Regan.
Total 5

Excused: Manning.
Total 1

Absent or not voting: B. Brown, Manley.
Total 2

Senate Bill No. 13 failed to pass by the following vote:

Ayes: Berg, Blaylock, B. Brown, S. Brown, Crippen, Eck, Elliott, Hafferman, Haffey, Himsl, Jacobson, McCallum, Norman, Ochsner, Regan, Severson, Stimatz, Towe, Mr. President.
Total 19

Noes: Aklestad, Anderson, Boylan, Conover, Dover, Etchart, Galt, Goodover, Graham, Hager, Halligan, Hammond, Hazelbaker, Healy, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, Nelson, O'Hara, Olson, Ryan, Smith, Stephens, Story, Thomas, Tveit, Van Valkenburg.

Total 31

Excused: None.
Total 0

Absent or not voting: None.
Total 0

(Including the following pair: Blaylock, aye - Manning, no.)

Senate Bill No. 49 was passed by the following vote:

Ayes: Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Eck, Elliott, Graham, Hafferman, Haffey, Hager, Halligan, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Manley, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 38

Noes: Aklestad, Anderson, Dover, Etchart, Galt, Goodover, Hammond, Kolstad, Lee, Ryan.
Total 10

Excused: Manning.
Total 1

Absent or not voting: Berg.
Total 1

Senate Bill No. 103 was passed by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Eck, Elliott, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Severson, Smith, Stephens, Stimatz, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 43

Noes: Dover, Etchart, Lee, Manley, Ryan, Story.
Total 6

Excused: Manning.
Total 1

Absent or not voting: None.
Total 0

Senate Bill No. 137 was passed by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Manning.
Total 1

Absent or not voting: None.
Total 0

Senate Bill No. 159 was passed by the following vote:

Ayes: Aklestad, Anderson, Blaylock, Boylan, B. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Haffey, Hager, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Tveit, Mr. President.
Total 41

Noes: Berg, S. Brown, Hafferman, Halligan, Mazurek, Regan, Towe, Van Valkenburg.
Total 8

Excused: Manning.
Total 1

Absent or not voting: None.
Total 0

Senate Bill No. 242 was passed by the following vote:

Ayes: Berg, Blaylock, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 45

Noes: Aklestad, Anderson, Boylan, Etchart.
Total 4

Excused: Manning.
Total 1

Absent or not voting: None.
Total 0

Senate Bill No. 268 was passed by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: Ryan.
Total 1

Excused: Manning.
Total 1

Absent or not voting: None.
Total 0

Senate Bill No. 297 was passed by the following vote:

Ayes: Aklestad, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 46

Noes: Anderson, Etchart, Mazurek.
Total 3

Excused: Manning.
Total 1

Absent or not voting: None.
Total 0

Senate Bill No. 352 was passed by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Manning.
Total 1

Absent or not voting: None.
Total 0

Senate Bill No. 389 was passed by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Manning.
Total 1

Absent or not voting: None.
Total 0

Senate Joint Resolution No. 16 was passed by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith.

Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Manning.
Total 1

Absent or not voting: None.
Total 0

Senate Joint Resolution No. 18 was passed by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Manning.
Total 1

Absent or not voting: None.
Total 0

House Bill No. 2 was concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Manning.
Total 1

Absent or not voting: None.
Total 0

At the request of Senator S. Brown, and without objection, the Senate reverted to Order of Business No. 6.

MOTIONS

Senator S. Brown requested his vote on Senate Bill No. 7 be changed from aye to no. Motion carried by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl,

Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Manning.
Total 1

Absent or not voting: None.
Total 0

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Kolstad in the Chair.

Senate resumed. President Turnage in the Chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on Second Reading, recommend as follows:

That Senate Bill No. 336 be amended as follows:

1. Page 1, line 20.
Following: "relative to"
Insert: ": (a)"

2. Line 21.
Following: "eligibility"
Strike: ","
Insert: "; (b)"
Following: "parole"
Strike: ","
Insert: ";"
Following: "or"
Insert: "(c)"

Amendment passed by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Manning.
Total 1

Absent or not voting: None.
Total 0

That Senate Bill No. 336, as amended, do pass by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham,

Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Manning.
Total 1

Absent or not voting: None.
Total 0

That Senate Bill No. 29 do pass by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Manning.
Total 1

Absent or not voting: None.
Total 0

That Senate Bill No. 112 do pass by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Eck, Elliott, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Kolstad, Manley, Mazurek, Nelson, Norman, Ochsner, O'Hara, Regan, Severson, Smith, Stephens, Stimatz, Tveit, Mr. President.
Total 37

Noes: Dover, Lee, Olson, Story.
Total 4

Excused: Manning.
Total 1

Absent or not voting: Etchart, Johnson, Keating, McCallum, Ryan, Thomas, Towe, Van Valkenburg.
Total 8

That Senate Bill No. 243 be amended. Amendment failed by the following vote:

Ayes: B. Brown, Dover, Galt, Goodover, Hager, Hammond, Himsl, Kolstad, Lee, Manley, Nelson, O'Hara, Olson, Severson, Stephens, Story.
Total 16

Noes: Aklestad, Berg, Blaylock, Boylan, S. Brown, Conover, Crippen, Eck, Elliott, Graham, Haffey, Halligan, Healy, Jacobson, Mazurek, Norman,

Ochsner, Regan, Ryan, Smith, Stimatz, Towe, Tveit, Van Valkenburg, Mr. President.
Total 25

Excused: Manning.
Total 1

Absent or not voting: Anderson, Etchart, Hafferman, Hazelbaker, Johnson, Keating, McCallum, Thomas.
Total 8

That Senate Bill No. 243 do pass by the following vote:

Ayes: Aklestad, Berg, Blaylock, B. Brown, Conover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Healy, Jacobson, Keating, Kolstad, Manley, Mazurek, Norman, Ochsner, O'Hara, Regan, Ryan, Smith, Stephens, Stimatz, Story, Towe, Tveit, Van Valkenburg, Mr. President.
Total 35

Noes: Boylan, Crippen, Dover, Himsl, Lee, Olson, Severson.
Total 7

Excused: Manning.
Total 1

Absent or not voting: Anderson, S. Brown, Hazelbaker, Johnson, McCallum, Nelson, Thomas.
Total 7

That Senate Bill No. 245 do pass by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Manning.
Total 1

Absent or not voting: None.
Total 0

That Senate Bill No. 265 do pass by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Manning.
Total 1

Absent or not voting: None.
Total 0

That Senate Bill No. 267 do pass by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Manning.
Total 1

Absent or not voting: None.
Total 0

That Senate Bill No. 293 do pass. Motion failed by the following vote:

Ayes: Boylan, Crippen, Galt, Graham, Hafferman, Haffey, Hammond, Healy, Kolstad, Lee, O'Hara, Ryan, Stimatz.
Total 13

Noes: Aklestad, Berg, Blaylock, B. Brown, S. Brown, Conover, Eck, Elliott, Etchart, Hager, Halligan, Hazelbaker, Himsl, Jacobson, Keating, Mazurek, McCallum, Ochsner, Olson, Regan, Severson, Stephens, Story, Towe, Van Valkenburg, Mr. President.
Total 26

Excused: Manning.
Total 1

Absent or not voting: Anderson, Dover, Goodover, Johnson, Manley, Nelson, Norman, Smith, Thomas, Tveit.
Total 10

That Senate Bill No. 293 be indefinitely postponed. Motion carried by the following vote:

Ayes: Aklestad, Berg, Blaylock, B. Brown, S. Brown, Conover, Elliott, Etchart, Goodover, Haffey, Hager, Halligan, Hazelbaker, Himsl, Keating, Mazurek, McCallum, Ochsner, O'Hara, Olson, Regan, Severson, Stephens, Story, Towe, Van Valkenburg, Mr. President.
Total 27

Noes: Boylan, Crippen, Galt, Graham, Hafferman, Hammond, Healy, Jacobson, Kolstad, Lee, Manley, Ryan, Stimatz.
Total 13

Excused: Manning.
Total 1

Absent or not voting: Anderson, Dover, Eck, Johnson, Nelson, Norman, Smith, Thomas, Tveit.
Total 9

That Senate Bill No. 349 be amended as follows:

1. Page 4, lines 7 and 8.
Following: "rules"
Strike: the remainder of line 7 through "PART 1" on line 8

Amendment passed by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Manning.
Total 1

Absent or not voting: None.
Total 0

That, without objection, Senate Bill No. 349 be moved to the bottom of the board.

That Senate Bill No. 353 do pass by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Manning.
Total 1

Absent or not voting: None.
Total 0

That Senate Bill No. 363 do pass by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Manning.

Total 1

Absent or not voting: None.
Total 0

That Senate Bill No. 368 do pass by the following vote:

Ayes: Berg, Blaylock, Boylan, S. Brown, Conover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Haffey, Halligan, Hazelbaker, Healy, Himsl, Keating, Kolstad, McCallum, Nelson, Ochsner, Olson, Regan, Severson, Smith, Stephens, Thomas, Towe, Van Valkenburg, Mr. President.
Total 30

Noes: Crippen, Dover, Hafferman, Lee, Mazurek.
Total 5

Excused: Manning.
Total 1

Absent or not voting: Aklestad, Anderson, B. Brown, Hager, Hammond, Jacobson, Johnson, Manley, Norman, O'Hara, Ryan, Stimatz, Story, Tveit.
Total 14

That Senate Bill No. 395 do pass by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Manning.
Total 1

Absent or not voting: None.
Total 0

That Senate Bill No. 133 do pass by the following vote:

Ayes: Aklestad, Blaylock, Boylan, B. Brown, Conover, Dover, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Hazelbaker, Healy, Himsl, Johnson, Keating, Kolstad, Lee, Manley, McCallum, Nelson, Norman, O'Hara, Olson, Ryan, Severson, Smith, Stephens, Story, Thomas, Tveit, Mr. President.
Total 35

Noes: Berg, S. Brown, Crippen, Eck, Halligan, Jacobson, Mazurek, Regan, Towe, Van Valkenburg.
Total 10

Excused: Manning.
Total 1

Absent or not voting: Anderson, Hammond, Ochsner, Stimatz.
Total 4

That Senate Bill No. 399 do pass by the following vote:

Ayes: Aklestad, Anderson, Boylan, B. Brown, Conover, Dover, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Hammond,

Hazelbaker, Healy, Himsl, Johnson, Keating, Lee, Manley, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Ryan, Severson, Smith, Stephens, Story, Thomas, Tveit, Mr. President.
Total 37

Noes: Berg, Blaylock, S. Brown, Crippen, Eck, Halligan, Jacobson, Regan, Towe, Van Valkenburg.
Total 10

Excused: Manning.
Total 1

Absent or not voting: Kolstad, Stimatz.
Total 2

That Senate Bill No. 406 do pass by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Manning.
Total 1

Absent or not voting: None.
Total 0

That Senate Bill No. 407 do pass by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Manning.
Total 1

Absent or not voting: None.
Total 0

That Senate Bill No. 414 do pass by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.

Total 49

Noes: None.
Total 0

Excused: Manning.
Total 1

Absent or not voting: None.
Total 0

That Senate Bill No. 422 do pass by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Manning.
Total 1

Absent or not voting: None.
Total 0

That Senate Bill No. 440 do pass by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Manning.
Total 1

Absent or not voting: None.
Total 0

That Senate Bill No. 456 do pass by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Manning.
Total 1

Absent or not voting: None.
Total 0

That Senate Bill No. 458 do pass by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: Elliott.
Total 1

Excused: Manning.
Total 1

Absent or not voting: None.
Total 0

That Senate Bill No. 459 be amended as follows:

1. Page 3, line 25.
Following: "87-4-101"
Strike: "(4)"
Insert: "(3)"

2. Page 4, line 2.
Following: "shall be"
Strike: "conclusively"

Amendment passed by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Manning.
Total 1

Absent or not voting: None.
Total 0

That Senate Bill No. 459, as amended, do pass by the following vote:

Ayes: Berg, Crippen, Eck, Etchart, Goodover, Graham, Hazelbaker, Healy, Himsl, Jacobson, Kolstad, Lee, McCallum, Norman, Ochsner, Olson, Severson, Smith, Thomas, Tveit.
Total 20

Noes: Aklestad, Blaylock, Boylan, S. Brown, Conover, Dover, Elliott, Hafferman, Haffey, Hager, Halligan, Hammond, Keating, Manley, Mazurek, Story, Towe, Van Valkenburg, Mr. President.
Total 19

Excused: Manning.
Total 1

Absent or not voting: Anderson, B. Brown, Galt, Johnson, Nelson, O'Hara, Regan, Ryan, Stephens, Stimatz.
Total 10

That Senate Joint Resolution No. 12 do pass by the following vote:

Ayes: Anderson, Berg, Blaylock, S. Brown, Conover, Crippen, Eck, Etchart, Haffey, Hager, Halligan, Hazelbaker, Healy, Jacobson, Mazurek, McCallum, O'Hara, Olson, Regan, Ryan, Stephens, Towe, Tveit, Van Valkenburg.
Total 24

Noes: Aklestad, Boylan, Dover, Elliott, Goodover, Hafferman, Hammond, Himsl, Johnson, Keating, Manley, Nelson, Ochsner, Story.
Total 14

Excused: Manning.
Total 1

Absent or not voting: B. Brown, Galt, Graham, Kolstad, Lee, Norman, Severson, Smith, Stimatz, Thomas, Mr. President.
Total 11

That Senate Bill No. 349, as amended, do pass by the following vote:

Ayes: Aklestad, Blaylock, Boylan, Conover, Crippen, Dover, Eck, Goodover, Hafferman, Haffey, Hager, Hammond, Healy, Johnson, Kolstad, Manley, McCallum, Ochsner, O'Hara, Ryan, Severson, Smith, Stephens, Story, Thomas, Tveit.
Total 26

Noes: Berg, S. Brown, Elliott, Etchart, Halligan, Hazelbaker, Himsl, Jacobson, Keating, Mazurek, Olson, Regan, Towe, Van Valkenburg, Mr. President.
Total 15

Excused: Manning.
Total 1

Absent or not voting: Anderson, B. Brown, Galt, Graham, Lee, Nelson, Norman, Stimatz.
Total 8

That the Committee rise and report. (Kolstad, Chairman)

Upon motion of Senator Kolstad, duly carried, the foregoing Report of the Committee of the Whole was adopted.

At the request of Senator Towe, and without objection, the Senate reverted to Order of Business No. 6.

MOTIONS

Motion was made by Senator Towe that Senate Bill No. 459 as amended be segregated from the Committee of the Whole Report and adopted. Motion carried by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Manning.
Total 1

Absent or not voting: None.
Total 0

At the request of the President, and without objection, the Senate reverted to Order of Business No. 2.

REPORTS OF STANDING COMMITTEES

The Senate will please take note that the President did, at the hour of 4:20 p.m., 2/18/81, sign the following bills:
HB 287, HJR 7.

Jean A. Turnage
President

BILLS (O'Hara, Chairman):
Correctly engrossed - SB 394. Report adopted.

AGRICULTURE, LIVESTOCK AND IRRIGATION (Galt, Chairman):
SB 409, introduced bill, be amended as follows:

1. Page 5, line 9.
Following: "bond"
Insert: "proceeds"

2. Page 24, line 25.
Following: "board"
Strike: "of natural"

3. Page 25, line 1.
Strike: "resources and conservation"
Following: "department"
Strike: "of natural"

4. Page 25, line 2.
Strike: "resources and conservation"

5. Page 31, line 25.
Following: line 24
Strike: "of"
Insert: "or"

6. Page 32, line 13.
Following: ". The"
Insert: "trust"

7. Page 33, line 2.
Following: "or"
Insert: "trust"

8. Page 33, line 15.
Following: "member"
Strike: "has"
Insert: "had"

And, as so amended, do pass. Report adopted.

The Committee adopted the following Statement of Intent:

STATEMENT OF INTENT: Senate Bill No. 409

A statement of intent is required for this bill because it delegates rulemaking authority to the Board of Natural Resources and Conservation in section 13.

The intent is to provide the Board with the authority to adopt those rules necessary to administer the loan and grant portion of the water development program. The authority is limited by section 13 to prescribing the form and content of applications for grants and loan, to adopting rules governing the application of the criteria for awarding loans and grants to private persons, to adopting rules providing for the servicing of loans including arrangements for obtaining security interests and the establishment of reasonable fees or charges to be made, and to prescribing the terms and conditions for making grants and loans, the security instruments, and the agreements necessary.

First adopted by the Senate Agriculture, Livestock and Irrigation Committee on the 18th day of February, 1981.

Report adopted.

LOCAL GOVERNMENT (McCallum, Chairman):
SB 325, introduced bill, be amended as follows:

1. Title, line 6.
Following: line 5
Strike: "SECTIONS"
Insert: "SECTION"
Following: "41-5-704"
Strike: "AND 41-5-703"

2. Page 1, lines 16 through 18.
Following: "than" on line 16
Strike: the remainder of line 16 through "employee" on line 18
Insert: "$17,000 a year and no higher than $22,000 a year"

3. Page 2, lines 4 through 15.
Following: line 3
Strike: Section 2 in its entirety

And, as so amended, do pass. Report adopted.

STATE ADMINISTRATION (Story, Chairman):
SB 402, introduced bill, be amended as follows:

1. Page 2, line 4.
Following: line 3
Insert: "(1)"

2. Page 2, line 5.
Strike: "(1)"
Insert: "(a)"

3. Page 2, line 12.
Strike: "(2)"

Insert: "(b)"

4. Page 2, line 18.
Strike: "(3)"
Insert: "(c)"

5. Page 2, line 25.
Strike: "(4)"
Insert: "(d)"

6. Page 3, line 4.
Strike: "(5)"
Insert: "(e)"

7. Page 3, line 7.
Strike: "(6)"
Insert: "(f)"

And, as so amended, do pass. Report adopted.

SB 405, introduced bill, be amended as follows:

1. Title, line 4.
Following: "ELIMINATE"
Strike: "THE"
Insert: "CERTAIN"

2. Title, lines 6 through 8.
Following: "ACT"
Strike: remainder of line 6 through "SURVEYORS" on line 8
Insert: "TO ESTABLISH MINIMUM SUBDIVISION REGULATION REQUIREMENTS FOR LOCAL GOVERNMENTS"
Following: "SECTIONS"
Strike: "37-67-202, 76-3-403,"

3. Title, line 9.
Following: "REPEALING"
Strike: "SECTION"
Insert: "SECTIONS"
Following: "76-3-502"
Insert: "AND 76-3-508"

4. Page 1, line 13 through page 3, line 1.
Following: line 12
Strike: line 13, page 1 through line 1, page 3 in its entirety
Renumber: subsequent sections

5. Page 6, line 19.
Following: "Repealer."
Strike: "Section"
Insert: "Sections"
Following: "76-3-502"
Insert: "and 76-3-508"

And, as so amended, do pass. Report adopted.

SB 424, do pass. Report adopted.

SB 455, introduced bill, be amended as follows:

1. Page 2, line 4.
Strike: "dissolution"
Insert: "expiration"

And, as so amended, do pass. Report adopted.

TAXATION (Goodover, Chairman):
SB 231, introduced bill, be amended as follows:

1. Page 5, line 24.
Following: ";"
Strike: "and"

2. Page 6, line 1.
Following: "Montana"
Strike: "."
Insert: "; and"

3. Page 6, line 2.
Following: line 1
Insert: "(iv) in the case of a corporation not listed on a national stock exchange, each owner of stock meets the requirements of subsection (2) (a) (i)"

And, as so amended, do pass. Report adopted.

EDUCATION AND CULTURAL RESOURCES (B. Brown, Chairman):
SJR 13, do pass. Report adopted.

Upon motion of Senator Stephens, duly carried, the Senate adjourned at 6:31 p.m. until Thursday, February 19, at the hour of 2:30 p.m.

JEAN A. TURNAGE
President of the Senate

JOHN W. LARSON
Secretary of the Senate

FORTIETH LEGISLATIVE DAY

Helena, Montana
February 19, 1981

Senate Chambers
Capitol Building

Senate convened at 2:30 p.m., President Pro Tempore Kolstad presiding. Invocation by the Chaplain. Pledge of Allegiance to the Flag.

Roll call. All members present except Manning, Stimatz, excused. Quorum present.

Mr. President: We, your Committee on Bills and Journal, having examined the daily journal for the Thirty-ninth Legislative Day, find the same to be correct.

O'HARA, Chairman

REPORTS OF STANDING COMMITTEES

BILLS (O'Hara, Chairman):
Correctly engrossed - SB 29, SB 112, SB 133, SB 243, SB 245, SB 265, SB 267, SB 353, SB 363, SB 368, SB 395, SB 399, SB 406, SB 407, SB 414, SB 422, SB 440, SB 456, SB 458, SJR 12. Report adopted.

PRINTING (O'Hara, Chairman):
Correctly printed and placed on the members' desks - SB 217, SB 235, SB 273, SB 277, SB 279, SB 288, SB 290, SB 320, SB 385, SB 424, SB 432, SB 479, SJR 13, SJR 20. Report adopted.

FISH AND GAME (Smith, Chairman):
SB 276, introduced bill, be amended as follows:

1. Title, line 4.
Strike: "ELIMINATE"
Insert: "LIMIT"

2. Page 1, line 14.
Following: "agreement,"
Strike: "or"

3. Page 1, line 15.
Following: "~~condemnation~~"
Insert: ", or condemnation for the purposes outlined in 87-1-202(2)"

4. Page 3.
Following: line 9
Insert: "(2) The department, with the consent of the commission, may acquire by condemnation lands or structures for the preservation of historical or archeological sites that are threatened with destruction or alteration."
Renumber: all subsequent subsections

And, as so amended, do pass. Report adopted.

JUDICIARY (Anderson, Chairman):
SB 33, introduced bill, be amended as follows:

1. Page 4, line 15.
Following: "provided"
Strike: "in this chapter"

2. Page 14, line 11 through line 10 on page 15.
Strike: Section 15 in its entirety

3. Page 28, line 17 through line 19 on page 29.
Strike: Section 30 in its entirety

4. Page 45, line 24.
Following: "by"
Insert: "13-12-207,"
Following: "13-12-212"
Insert: ","

5. Page 46, line 7.
Following: "by"
Insert: "13-12-207,"
Following: "13-12-212"
Insert: ","

6. Page 47, line 18 through line 14 on page 48.
Strike: Section 61 in its entirety

7. Page 52, line 23.
Following: "The"
Strike: "department's"
Insert: "department of health and environmental science's"
Following: "air"
Insert: "and water"

8. Page 75, line 21 through line 10 on page 76.
Strike: Section 81 in its entirety

9. Page 79, line 21.
Following: "If"
Strike: "_____"
Insert: "Senate"
Following: "No."
Strike: "_____ [LC 413]"
Insert: "121"

10. Page 81, lines 5 through 9.
Following: "~~(3)~~"
Insert: stricken language

11. Page 86, line 23.
Following: line 22
Insert: stricken language

12. Page 88, line 24.
Following: "allowed"
Insert: ", not to exceed 4"

13. Page 89, line 24 through line 4 on page 90.
Strike: all underlined language
Insert: all stricken language

14. Page 91, lines 3 through 13.
Strike: Section 103 in its entirety

15. Page 94, line 20 through line 1 on page 95.
Strike: Section 110 in its entirety

16. Page 97, line 5 through line 10 on page 109.
Strike: Sections 115 through 127 in their entirety

17. Page 114, lines 3 through 10.
Strike: Section 136 in its entirety

18. Page 116.
Following: line 11
Insert: "NEW SECTION. Section 141. Coordination. If Senate Bill 468 is passed and approved amending 25-31-506 to increase the maximum jurisdictional amount in justice courts, the amendment in Section 140 or such other section of this act amending 25-31-506 is void and of no effect."

19. Page 119, line 23 through line 4 on page 121.
Strike: Sections 146 and 147 in their entirety

20. Page 121, lines 13 through 24.
Strike: Section 149 in its entirety

21. Page 125, line 25 through line 14 on page 126.
Strike: Section 154 in its entirety

22. Page 127, line 2 through line 6 on page 144.
Strike: Sections 156 through 179 in their entirety

23. Page 167.
Following: line 24
Strike: "district court shall have full power to liquidate the"

24. Page 168, line 1.
Following: "corporation"
Insert: "may be liquidated"

25. Page 171, line 25 through line 10 on page 172.
Strike: Section 206 in its entirety

26. Page 175, line 1 through line 4 on page 177.
Strike: Section 211 in its entirety

27. Page 181, line 20.
Following: "chapter"
Strike: "and in board rules"

28. Page 187, line 13 through line 8 on page 188.
Strike: Section 219 in its entirety

29. Page 192, line 11 through line 19 on page 193.
Strike: Section 222 in its entirety

30. Page 200, line 12 through line 7 on page 203.
Strike: Section 230 in its entirety

31. Page 218, line 5 through line 8 on page 221.
Strike: Sections 239 and 240 in their entirety

32. Page 222, line 10 through line 14 on page 223.
Strike: Section 244 in its entirety

33. Page 232, line 2.
Following: "25-1-111"
Strike: ", 25-5-301,"

34. Page 232, line 4.
Following: line 3
Strike: line 4 in its entirety
Renumber: subsequent subsections

And, as so amended, do pass. Report adopted.

SB 334, do pass. Report adopted.

SB 468, do pass. Report adopted.

LABOR AND EMPLOYMENT RELATIONS (Nelson, Chairman):
SB 313, introduced bill, be amended as follows:

1. Title, line 7.
Following: "EMPLOYMENT"
Strike: "AND"
Insert: ","

2. Title, line 8.
Following: "ENTITY"
Insert: "AND TO REQUIRE COVERAGE UNDER THE WORKERS' COMPENSATION ACT AND OTHER ACTS APPLYING TO 'INDEPENDENT CONTRACTORS'"

3. Page 20.
Following: line 22
Insert: "Section 7. Applicability and coverage of other acts. (1) A business entity as provided in [section 3] is an 'independent contractor' for purposes of the Workers' Compensation Act and the Occupational Disease Act.

(2) Any contract between a business entity and the business for which services of the business entity are being performed shall contain a provision that the business entity has obtained for itself and for its employees, where applicable, coverage under the Workers' Compensation Act and the Occupational Disease Act for the duration of the contract."

And, as so amended, do pass. Report adopted.

PUBLIC HEALTH, WELFARE AND SAFETY (Hager, Chairman):
SB 390, do pass. Report adopted.
SB 396, do pass. Report adopted.

SB 397, introduced bill, be amended as follows:

1. Page 7, line 9.
Following: "appointment."
Strike: "Each member shall be a citizen of the United States and a resident of this state."

And, as so amended, do pass. Report adopted.

The Committee adopted the following Statement of Intent:

STATEMENT OF INTENT: Senate Bill No. 397

A Statement of Intent is required for this bill because it delegates rulemaking authority to the Board of Psychologists in Section 7.

It is the intent of this bill that the Board adopt a code of ethics to define professional and unprofessional conduct by psychologists with primary emphasis being the protection of the public. The Board may adopt the code of ethics published by the American Psychological Association, and any subsequent revisions to the code may also be adopted.

First adopted by the Senate Public Health, Welfare and Safety Committee on the 18th day of February, 1981.

Report adopted.

SB 427, introduced bill, be amended as follows:

1. Page 7, line 19.

Following: "least"
Strike: "3"
Insert: "5"

2. Page 8, line 3.
Following: "2"
Strike: "3"
Insert: "5"

3. Page 8, line 5.
Following: "practice"
Insert: "of nursing"

4. Page 15, line 11.
Following: "charges"
Strike: "calling"
Insert: "which may call"

And, as so amended, do pass. Report adopted.

The Committee adopted the following Statement of Intent:

STATEMENT OF INTENT: Senate Bill No. 427

A Statement of Intent is required for this bill because it delegates rulemaking authority to the Board of Nursing in sections 8, 10, 14, 16 and 19.

Section 8 grants the Board authority to adopt rules relating to the conduct of nursing education programs. It is the intent of the Legislature that the rules adopted relate directly toward the nursing education programs' insuring that the qualifications of a professional nurse or a practical nurse are adequate in the areas of services to be provided specified in section 4.

Sections 10 and 14 grant rulemaking authority to the Board to establish passing scores for the professional and practical nurse examinations and establish requirements for rewriting the examination. It is the intent of the Legislature that the examination scores established be such as to insure the competency of applicants for licensure to protect the public health. Rules for rewriting the examination must provide assurance that the competency is as great as for applicants passing a first examination.

Section 16 authorizes the Board to establish a late renewal fee. It is the intent of the Legislature that such fee be sufficient to cover the additional expense incurred in processing later renewals.

Section 19 allows the Board to grant temporary work permits. It is the intent of the Legislature that such permits be strictly controlled and that permittees work under the direct supervision of a physician, dentist, osteopath, podiatrist or professional nurse. The Board shall specifically define "direct supervision".

First adopted by the Committee on Public Health, Welfare, and Safety on February 19, 1981.

Report adopted.

EDUCATION AND CULTURAL RESOURCES (B. Brown, Chairman):
SB 122, do not pass.

Thereupon, the Adverse Committee Report was adopted by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Mazurek, McCallum,

Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Stimatz.
Total 1

Absent or not voting: Manning.
Total 1

PUBLIC HEALTH, WELFARE AND SAFETY (Hager, Chairman):
SB 351, do not pass.

Thereupon, the Adverse Committee Report was adopted by the following vote:

Ayes: Aklestad, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Elliott, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Manley, McCallum, Nelson, Ochsner, O'Hara, Olson, Severson, Smith, Stephens, Story, Thomas, Towe, Tveit, Mr. President.
Total 38

Noes: Anderson, Dover, Eck, Etchart, Lee, Mazurek, Norman, Regan, Ryan, Van Valkenburg.
Total 10

Excused: Stimatz.
Total 1

Absent or not voting: Manning.
Total 1

SB 366, do not pass.

Thereupon, the Adverse Committee Report was adopted by the following roll call vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, McCallum, Nelson, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 43

Noes: Haffey, Mazurek, Norman.
Total 3

Excused: Stimatz.
Total 1

Absent or not voting: Manley, Manning, Story.
Total 3

SB 374, do not pass.

Thereupon, the Adverse Committee Report was adopted by the following roll call vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham,

Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Severson, Smith, Stephens, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 44

Noes: Ryan.
Total 1

Excused: Stimatz.
Total 1

Absent or not voting: Hafferman, Manley, Manning, Story.
Total 4

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following House Bills were on 2/18/81, passed and transmitted to the Senate for concurrence:

House Bill No. 407, introduced by Cozzens (96-0)

House Bill No. 440, introduced by Jensen (49-48)

House Bill No. 464, introduced by Ellerd (93-2)

House Bill No. 661, introduced by O'Hara (97-1)

MOTIONS

Motion was made by Senator Regan that Senate Bill No. 331 be taken from Third Reading and placed on Second Reading for consideration on the next Legislative Day. Motion carried with the following vote:

Ayes: Aklestad, Berg, B. Brown, S. Brown, Conover, Crippen, Eck, Elliott, Galt, Goodover, Graham, Hafferman, Hager, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Keating, Mazurek, Nelson, O'Hara, Olson, Regan, Severson, Smith, Stephens, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 32

Noes: Anderson, Blaylock, Boylan, Dover, Etchart, Haffey, Halligan, Johnson, Kolstad, Lee, Manley, McCallum, Norman, Ochsner, Ryan, Story.
Total 16

Excused: Manning, Stimatz.
Total 2

Absent or not voting. None.
Total 0

FIRST READING OF BILLS

The following House bills were introduced, read first time and referred to committees:

HB 407, introduced by Cozzens, Huennekens, Dussault, Meyer, Azzara. Referred to Committee on Taxation.

HB 440, introduced by Jensen, Keyser, Ryan, (By Request of the Department of Justice). Referred to Committee on Highways and Transportation.

HB 464, introduced by Ellerd, (By Request of the Department of Labor and Industry). Referred to Committee on Labor and Employment Relations.

HB 661, introduced by D. O'Hara. Referred to Committee on Local Government.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

Senate Bill No. 134 was passed by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Severson, Smith, Stephens, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 47

Noes: Ryan.
Total 1

Excused: Manning, Stimatz.
Total 2

Absent or not voting: None.
Total 0

Senate Bill No. 160 was passed by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 47

Noes: Eck.
Total 1

Excused: Manning, Stimatz.
Total 2

Absent or not voting: None.
Total 0

Senate Bill No. 338 was passed by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Story, Thomas, Towe, Van Valkenburg, Mr. President.
Total 45

Noes: Dover, Hammond, Tveit.
Total 3

Excused: Manning, Stimatz.
Total 2

Absent or not voting: None.
Total 0

Senate Bill No. 341 was passed by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Manning, Stimatz.
Total 2

Absent or not voting: None.
Total 0

Senate Bill No. 394 was passed by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Severson, Smith, Stephens, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 45

Noes: Manley, Ryan.
Total 2

Excused: Manning, Stimatz.
Total 2

Absent or not voting: Hammond.
Total 1

Senate Bill No. 400 was passed by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Manning, Stimatz.
Total 2

Absent or not voting: None.
Total 0

Senate Bill No. 403 was passed by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Mazurek, McCallum,

Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 47

Noes: None.
Total 0

Excused: Manning, Stimatz.
Total 2

Absent or not voting: Halligan.
Total 1

Senate Bill No. 404 was passed by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Keating, Kolstad, Lee, Manley, Mazurek, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 46

Noes: Johnson, McCallum.
Total 2

Excused: Manning, Stimatz.
Total 2

Absent or not voting: None.
Total 0

Senate Bill No. 411 was passed by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Keating, Kolstad, Lee, Manley, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 46

Noes: Johnson.
Total 1

Excused: Manning, Stimatz.
Total 2

Absent or not voting: Graham.
Total 1

Senate Bill No. 436 was passed by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Manning, Stimatz.

Total 2

Absent or not voting: None.
Total 0

House Bill No. 23 was concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 47

Noes: Manley.
Total 1

Excused: Manning, Stimatz.
Total 2

Absent or not voting: None.
Total 0

House Bill No. 103 was concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 47

Noes: Manley.
Total 1

Excused: Manning, Stimatz.
Total 2

Absent or not voting: None.
Total 0

House Bill No. 122 was concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 47

Noes: None.
Total 0

Excused: Manning, Stimatz.
Total 2

Absent or not voting: Story.
Total 1

House Bill No. 123 was concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham,

Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Severson, Smith, Stephens, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 46

Noes: Manley, Ryan.
Total 2

Excused: Manning, Stimatz.
Total 2

Absent or not voting: None.
Total 0

At the request of the President Pro Tempore, and without objection, the Senate reverted to Order of Business No. 8.

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Van Valkenburg in the Chair.

Senate resumed. President Pro Tempore Kolstad in the Chair.

Mr. President Pro Tempore: We, your Committee of the Whole, having had under consideration business on Second Reading, recommend as follows:

That Senate Bill No. 459 be amended as follows:

1. Page 3, line 25.
Following: "87-4-101"
Strike: "(4)"
Insert: "(3)"

2. Page 4, line 2.
Following: "shall be"
Strike: "conclusively"

Amendment passed by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Manning, Stimatz.
Total 2

Absent or not voting: None.
Total 0

That Senate Bill No. 459 be amended as follows:

1. Page 11, line 9.
Following: "any"
Strike: "negligent act"
Insert: "gross negligence"

2. Page 18, lines 11 through 13.
Following: "dies,"
Strike: the remainder of lines 11 through "and," on line 13

3. Page 18, line 14.
Following: line 13
Strike: "shall allow"
Following: "family"
Insert: "may continue"

4. Page 18, line 15.
Following: "year"
Insert: "or"

Amendment passed by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Manning, Stimatz.
Total 2

Absent or not voting: None.
Total 0

That Senate Bill No. 459, as amended, do pass by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Manning, Stimatz.
Total 2

Absent or not voting: None.
Total 0

That Senate Bill No. 138 do pass by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Manning, Stimatz.
Total 2

Absent or not voting: None.
Total 0

That Senate Bill No. 139 do pass by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Manning, Stimatz.
Total 2

Absent or not voting: None.
Total 0

That Senate Bill No. 140 do pass by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Manning, Stimatz.
Total 2

Absent or not voting: None.
Total 0

That Senate Bill No. 196 do pass by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Manning, Stimatz.
Total 2

Absent or not voting: None.
Total 0

That Senate Bill No. 229 be amended as follows:

1. Page 4, line 25.
Following: "MAY"
Strike: the remainder of line 25
Insert: "negotiate with all applicants on an equal basis in an effort to arrive at an acceptable application"

2. Page 5, lines 22 and 23.
Insert: all stricken language on line 22 through "~~[section 4],~~" on line 23

3. Page 5, lines 23 and 24.
Following: "MAY"
Strike: "UPON APPROVAL OF THE LEGISLATURE"

4. Page 6, line 4.
Following: "HAS"
Strike: "PRESENTED"

5. Page 6, line 5.
Strike: "TO THE LEGISLATURE"

6. Title, lines 11 through 13.
Strike: all underlined language
Insert: all stricken language

Amendment passed by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Eck, Galt, Goodover, Hager, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Kolstad, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Severson, Stephens, Thomas, Towe, Van Valkenburg, Mr. President.
Total 33

Noes: Dover, Elliott, Etchart, Hafferman, Haffey, Johnson, Keating, Lee, Manley, Ryan, Smith, Story, Tveit.
Total 13

Excused: Manning, Stimatz.
Total 2

Absent or not voting: Graham, Halligan.
Total 2

That Senate Bill No. 229, as amended, do pass by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Keating, Kolstad, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Stephens, Thomas, Towe, Van Valkenburg, Mr. President.
Total 41

Noes: Etchart, Johnson, Lee, Manley, Smith, Story, Tveit.
Total 7

Excused: Manning, Stimatz.
Total 2

Absent or not voting: None.
Total 0

That, without objection, Senate Bill No. 360 be placed at the top of the board.

That Senate Bill No. 360 be amended as follows:

1. Page 1, lines 18 and 19.
Following: "children"
Insert: all stricken material

Amendment passed by the following vote:

Ayes: Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Eck, Hafferman, Haffey, Halligan, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Kolstad, Mazurek, Norman, O'Hara, Olson, Regan, Ryan, Severson, Thomas, Towe, Van Valkenburg, Mr. President.
Total 28

Noes: Aklestad, Anderson, Dover, Elliott, Etchart, Galt, Goodover, Hager, Hammond, Keating, Lee, Manley, Nelson, Ochsner, Stephens, Story, Tveit.
Total 17

Excused: Manning, Stimatz.
Total 2

Absent or not voting: Graham, McCallum, Smith.
Total 3

That Senate Bill No. 360, as amended, do pass. Motion failed by the following vote:

Ayes: Aklestad, Dover, Galt, Goodover, Graham, Hager, Hammond, Himsl, Keating, Kolstad, Lee, Manley, Nelson, Ochsner, O'Hara, Olson, Smith, Stephens, Story, Tveit, Mr. President.
Total 21

Noes: Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Eck, Etchart, Hafferman, Haffey, Halligan, Hazelbaker, Healy, Jacobson, Johnson, Mazurek, McCallum, Norman, Regan, Ryan, Severson, Thomas, Towe, Van Valkenburg.
Total 26

Excused: Manning, Stimatz.
Total 2

Absent or not voting: Elliott.
Total 1

That Senate Bill No. 360 be indefinitely postponed. Motion carried by the following vote:

Ayes: Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Eck, Etchart, Graham, Hafferman, Haffey, Halligan, Hazelbaker, Healy, Jacobson, Johnson, Mazurek, McCallum, Norman, Regan, Ryan, Severson, Thomas, Towe, Van Valkenburg, Mr. President.
Total 26

Noes: Aklestad, Crippen, Dover, Elliott, Galt, Goodover, Hammond, Himsl, Keating, Kolstad, Lee, Manley, Nelson, Ochsner, O'Hara, Olson, Smith, Stephens, Story, Tveit.
Total 20

Excused: Manning, Stimatz.
Total 2

Absent or not voting: Conover, Hager.
Total 2

That Senate Bill No. 163 do pass by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Eck, Etchart, Galt, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Jacobson, Kolstad, Lee, Mazurek, Norman, Ochsner, O'Hara, Regan, Ryan, Severson, Smith, Stephens, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 36

Noes: Crippen, Elliott, Goodover, Himsl, Johnson, Manley, McCallum, Nelson, Olson, Story.
Total 10

Excused: Manning, Stimatz.
Total 2

Absent or not voting: Dover, Keating.
Total 2

That Senate Bill No. 448 do pass by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Manning, Stimatz.
Total 2

Absent or not voting: None.
Total 0

That House Bill No. 341 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Manning, Stimatz.
Total 2

Absent or not voting: None.
Total 0

That House Bill No. 482 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Manning, Stimatz.
Total 2

Absent or not voting: None.
Total 0

That House Bill No. 519 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 47

Noes: Boylan.
Total 1

Excused: Manning, Stimatz.
Total 2

Absent or not voting: None.
Total 0

That the Committee rise and report.

That Senate Bill No. 196 be segregated from the Committee of the Whole Report. Unanimously passed.

Upon motion of Senator Van Valkenburg, duly carried, the foregoing Report of the Committee of the Whole was adopted.

At the request of the President Pro Tempore, and without objection, the Senate reverted to Order of Business No. 2.

REPORTS OF STANDING COMMITTEES

PRINTING (O'Hara, Chairman):
Correctly printed and placed on the members' desks - SB 231, SB 325, SB 402, SB 405, SB 413, SB 427, SB 434, SB 455. Report adopted.

BILLS (O'Hara, Chairman):
Correctly engrossed - SB 336, SB 349. Report adopted.

FINANCE AND CLAIMS (Himsl, Chairman):
SB 377, do pass. Report adopted.
SB 449, do pass. Report adopted.

The Committee adopted the following Statement of Intent:

STATEMENT OF INTENT: Senate Bill No. 449

A statement of intent for this bill is necessary in that section 2 grants the Department of Administration or the appropriate officer of a political subdivision of the State of Montana the authority to promulgate rules for the proper administration of deferred compensation plans.

It is contemplated that the rules will address the following:

(1) procedures for enrolling employees in the plan;

(2) the content of the plan agreement that is consistent with section 457 of the Internal Revenue Code;

(3) rules for granting financial hardships due to unforseen emergencies;

(4) rules regarding the participation of political subdivisions in the state deferred compensation plan; and
(5) rules governing the performance of marketing representatives or consultants who may be hired to present the plan to employees.

First adopted by the Senate Finance and Claims Committee on the 19th day of February, 1981.

Report adopted.

SB 463, introduced bill, be amended as follows:

1. Title, line 7.
Strike: "BANKING,"

2. Title, line 17.
Following: "BOARD"
Insert: "BANKING,"

3. Page 2, line 15.
Strike: "30"
Insert: "40"

And, as so amended, do pass. Report adopted.

JUDICIARY (Anderson, Chairman):
SB 287, introduced bill, be amended as follows:

1. Page 2, line 3.
Following: "period of"
Strike: "1 year"
Insert: "10 years"

2. Page 2, line 9.
Following: "to the"
Strike: "original"

3. Page 3, line 17.
Following: "condemnor"
Strike: "may"
Insert: "shall"

4. Page 4, line 19 through line 25.
Strike: Section 6 in its entirety
Renumber: the following sections

And, as so amended, do pass. Report adopted.

SB 289, introduced bill, be amended as follows:

1. Line 11.
Following: "general"
Strike: "shall"
Insert: "may"

2. Lines 20 through 23.
Strike: subsection (2) in its entirety

And, as so amended, do pass. Report adopted.

SB 335, introduced bill, be amended as follows:

1. Page 8, line 7.
Following: "and"
Strike: "auto"

Insert: "motor"

2. Page 16, line 8.
Following: "on"
Strike: "wet"
Following: "marine"
Insert: ", inland marine,"

And, as so amended, do pass. Report adopted.

SB 381, introduced bill, be amended as follows:

1. Title, line 9.
Following: "41-5-521"
Strike: "and"
Following: "41-5-601"
Strike: "through"
Insert: ", 41-5-602, and"

2. Page 3, line 11.
Following: "(2)"
Strike: "PUBLICITY"
Insert: "In a petition under this section publicity"

3. Page 3, lines 12 and 13.
Following: "youth"
Strike: the remainder of line 12 through "a youth" on line 13
Insert: "formally charged with or"

4. Page 3, line 13.
Following: "against"
Strike: "as"

5. Page 3, line 14.
Following: "delinquent youth"
Strike: "or youth in need of supervision"

6. Page 4, line 21 through line 25 on page 6.
Strike: Section 4 in its entirety
Renumber: subsequent sections

And, as so amended, do pass. Report adopted.

SB 475, introduced bill, be amended as follows:

1. Page 13, line 14.
Following: "(a)"
Strike: "(1)"
Insert: "(i)"

2. Page 14, line 23.
Following: "(a)"
Insert: "(i)"

3. Page 14, line 24.
Following: "or"
Strike: "(b)"
Insert: "(a) (ii)"

4. Page 86, line 22.
Following: "of"
Strike: "35-1-804(5)"
Insert: "35-1-803(5)"

5. Page 99, line 19.
Following: "and"
Strike: "35-1-812"
Insert: "[section 49]"

6. Page 112, line 25.
Following: "of"
Strike: "30-13-203"
Insert: "Title 30, chapter 13, part 2"

7. Page 113, line 19.
Following: "of"
Strike: "this chapter"
Insert: "35-1-1006"

8. Page 121, line 20 through line 23.
Following: "report" on line 20
Strike: line 20 through "report" on line 23

And, as so amended, do pass. Report adopted.

LABOR AND EMPLOYMENT RELATIONS (Nelson, Chairman):
SB 428, do pass. Report adopted.
SB 438, do pass. Report adopted.

PUBLIC HEALTH, WELFARE AND SAFETY (Hager, Chairman):
SB 392, introduced bill, be amended as follows:

1. Title, line 7.
Following: "EXAMINERS;"
Strike: "ADDING A PODIATRIST TO THE BOARD OF MEDICAL EXAMINERS"

2. Page 2, line 2 through page 3, line 5.
Strike: Section 1 in its entirety
Renumber: subsequent sections

And, as so amended, do pass. Report adopted.

SB 398, introduced bill, be amended as follows:

1. Title, line 10.
Following: "LICENSURE;"
Insert: "CLARIFYING THE RECIPROCITY PROVISIONS FOR MORTICIANS LICENSED IN ANOTHER STATE;"

2. Title, line 12.
Following: "37-19-302,"
Insert: "37-19-305,"

3. Page 7, line 21.
Following: "~~university~~"
Insert: "and have satisfactorily completed 2 academic years at a board approved college or university with the major area of study being one that would tend to prepare him for the practice of mortuary science, or have experience considered equivalent by the board"

4. Page 7.
Following: line 24
Insert: "Section 5. Section 37-19-305, MCA, is amended to read:

"37-19-305. Reciprocity. If a person holding a license entitling him to practice mortuary science in another state applies for a Montana mortician's license, the board may waive the examination and

internship requirement if it finds that the standards and requirements of the state in which the applicant is licensed are equal to or exceed those of Montana and if ~~such state~~ a reciprocal agreement is required by the other state, it has a reciprocal agreement with Montana.""

5. Page 9, lines 8 and 11.
Following: Section in line 8 and Section in line 11
Strike: "6"
Insert: "7"
Renumber: all subsequent sections

And, as so amended, do pass. Report adopted.

The Committee adopted the following Statement of Intent:

STATEMENT OF INTENT: Senate Bill No. 398

A Statement of Intent is required for this bill because it delegates rulemaking authority to the Board of Morticians in Section 6.

It is the intent of this bill that the Board adopt rules requiring mortuaries to disclose in writing to all customers a complete itemized list of all funeral costs and complete information regarding the need for embalming. Members of the public seeking the services of mortuaries are usually under a great deal of personal stress, and the rules adopted are intended to provide complete disclosure of costs and attendant legal requirements to protect the economic interest of members of the public.

First adopted by the Senate Public Health Committee on the 18th day of February, 1981.

Report adopted.

STATE ADMINISTRATION (Story, Chairman):
SB 294, introduced bill, be amended as follows:

1. Title, line 4.
Following: "AMEND"
Strike: "SECTION"
Insert: "SECTIONS"

2. Title, line 5.
Following: "2-15-112"
Insert: "AND 49-2-308"
Following: "DIRECTORS"
Strike: "AND"
Insert: ","

3. Title, line 6.
Following: "ADMINISTRATORS"
Insert: ", AND BUREAU CHIEFS"

4. Title, line 7.
Following: "HEADS"
Insert: "; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE"

5. Page 2, lines 23 and 24.
Following: "positions;"
Strike: ", including appointment of deputy"
Insert: ". Deputy"
Following: "directors"
Strike: "and"

Insert: ","

6. Page 2, line 25.
Following: "administrators"
Strike: "who"
Insert: ", and bureau chiefs"

7. Page 3, line 2.
Following: "director"
Strike: "or"
Insert: ","
Following: "administrator"
Insert: ", or bureau chief"

8. Page 3, line 4.
Following: "proceedings"
Insert: ", including but not limited to 2-18-1001 through 2-18-1003, 87-1-205, and 87-1-403,"

9. Page 4, line 4.
Following: line 3
Insert: "Section 2. Section 49-2-308, MCA, is amended to read:

"49-2-308. Discrimination by the state. It is an unlawful discriminatory practice for the state or any of its political subdivisions: (1) to refuse, withhold from, or deny to a person any local, state, or federal funds, services, goods, facilities, advantages, or privileges because of race, creed, religion, sex, marital status, color, age, physical or mental handicap, or national origin, unless based on reasonable grounds;

(2) to publish, circulate, issue, display, post, or mail a written or printed communication, notice, or advertisement which states or implies that any local, state, or federal funds, services, goods, facilities, advantages, or privileges of the office or agency will be refused, withheld from, or denied to a person of a certain race, creed, religion, sex, marital status, color, age, physical or mental handicap, or national origin or that the patronage of a person of a particular race, creed, religion, sex, marital status, color, age, or national origin or possessing a physical or mental handicap is unwelcome or not desired or solicited, unless based on reasonable grounds;

(3) to refuse employment to a person, to bar him from employment, or to discriminate against him in compensation or in a term, condition, or privilege of employment because of his political beliefs. However, this prohibition does not apply to policy making positions on the immediate staff of an elected officer of the executive branch provided for in Article VI, section 1, or the Montana constitution, to the appointment by the governor of a director, deputy director, division administrator, and bureau chief of a principal department provided for in Article VI, section 7, of the Montana constitution, or to the immediate staff of the majority and minority leadership of the Montana legislature."

Section 3. Effective date. Sections 1 and 2 are effective upon passage and approval."

And, as so amended, do pass. Report adopted.

SB 419, introduced bill, be amended as follows:

1. Page 1, lines 19 and 20.

Following: line 18
Strike: lines 19 and 20 in their entirety
Renumber: the following subsection

2. Page 2, line 16.
Following: "district."
Insert: "The chief judge shall hold his position at the pleasure of the supreme court."

3. Page 3, lines 5 through 10.
Strike: line 5 through line 10 in their entirety
Insert: "(a) in cooperation with the other district court judges, prepare and submit budgets for operation of the district court to the appropriate public officials;

(b) equalize the workload of all district court judges within the judicial district;

(c) establish appropriate schedules and administrative rules to insure prompt and efficient servicing of all judicial business in the district;

(d) employ and assign staff and secretarial personnel where appropriate;

(e) perform such miscellaneous administrative duties as necessary or advisable in misdiscretion to insure a unitary and functioning district court operation in the judicial district; and

(f) submit an annual report to the supreme court on or before March 1 of each year covering the status and condition of the district court in the judicial district, its needs, and problem areas."

And, as so amended, do pass. Report adopted.

SB 435 be amended as follows:

1. Page 2, line 9 through line 12.
Following: "serve"
Strike: remainder of line 9 through line 12
Insert: "until April 1, 1983, at which time the commission is abolished. The commission shall report to the 48th legislature on its activities."

And, as so amended, do pass. Report adopted.

SB 467, do pass. Report adopted.

TAXATION (Goodover, Chairman):
SB 107, introduced bill, be amended as follows:

1. Page 1, line 13.
Following: line 12
Strike: lines 13 through 25 in their entirety

2. Page 2, line 1.
Following: page 1
Strike: lines 1 and 2 on page 2

3. Page 2.
Following: line 2
Insert: "NEW SECTION. Section 1. Alternative remedy. (1) An aggrieved taxpayer may, in lieu of proceeding under 15-1-401 or 15-1-402, bring a declaratory judgment action in the district

court seeking a declaration that a tax levied by the state or one of its subdivisions was illegally or unlawfully imposed or exceeded the taxing authority of the entity imposing the tax.

(2) The action must be brought within 90 days of the imposition of the tax. The court shall consolidate all actions brought under subsection (1) which challenge the same tax levy. The decision of the court shall apply to all similarly situated taxpayers except those taxpayers who are excluded under [section 7].

NEW SECTION. Section 2. Procedure. (1) Except as provided in subsection (2), an action pursuant to [section 1] is subject to the provisions of Title 27, chapter 8.

(2) In lieu of the requirement of 27-8-301, a party bringing an action under [section 1] may elect to use:

(a) the procedures available under the Montana Rules of Civil Procedure for bringing a class action, Title 25, chapter 20, rule 23; or

(b) the procedure provided for in subsection (3).

(3) (a) A party bringing an action under [section 1] may elect to give notice as provided in this subsection. A party so electing must publish notice that an action has been brought. The notice must be published at least once each week for 4 consecutive weeks in a newspaper of general circulation published in the county where the action is commenced and in other counties within the jurisdiction of the taxing authority. The notice shall advise each similarly situated taxpayer that:

(i) the court will exclude him from the class if he so requests by a specific date;

(ii) the judgment, whether favorable or not, will include all similarly situated taxpayers who do not request to be excluded; and

(iii) any similarly situated taxpayer who does not request exclusion may, if he desires, enter an appearance.

(b) An election to give notice under this subsection does not prevent any party to the action from serving process on other interested parties.

(4) In a proceeding under [section 1] all issues shall be tried by the court.

NEW SECTION. Section 3. Remedy. If the district court determines that the tax was illegally or unlawfully imposed or exceeded the taxing authority of the entity imposing the tax, the judgment may direct:

(1) that the revenue collected under the illegal tax be directly refunded to the taxpayers who have paid the illegal tax and who have not been excluded from the action;

(2) that the revenue collected under the illegal tax be used to reduce a similar levy in the ensuing tax year; or

(3) such other remedy as the court considers appropriate.

NEW SECTION. Section 4. Tax to be paid. The taxes that are being challenged under [section 1] must be paid when due as a condition of continuing the action."

Renumber: subsequent sections

4. Page 6, line 9.
Following: "Section 1"
Insert: "through 4"

5. Page 6, line 12.
Following: "Section 1"
Insert: "through 4"

And, as so amended, do pass. Report adopted.

SB 210 be amended as follows:

1. Title, line 5.
Following: "PROCEDURES"
Strike: "BEFORE THE STATE"

2. Title, line 6.
Following: line 5
Strike: "TAX APPEAL BOARD"
Insert: "IN THE DISTRICT"

3. Page 1, lines 12 through 25.
Following: line 11
Strike: lines 12 through 25 in their entirety

4. Page 2.
Strike: line 1
Insert: "NEW SECTION. Section 1. Challenge to assessment rules or procedures. An aggrieved taxpayer may, in lieu of proceeding under Title 15, chapter 15, part 1, bring a declaratory judgment action in the district court seeking a declaration that a method or procedure of assessment of property adopted or utilized by the department of revenue is illegal or improper.

NEW SECTION. Section 2. Procedure. (1) Except as provided in subsection (2), an action pursuant to [section 1] is subject to the provisions of Title 27, chapter 8.

(2) In lieu of the requirement of 27-8-301, a party bringing an action under [section 1] may elect to use:

(a) the procedures available under the Montana Rules of Civil Procedure for bringing a class action, Title 25, chapter 20, rule 23; or

(b) the procedure provided for in subsection (3).

(3) (a) A party bringing an action under [section 1] may elect to give notice as provided in this subsection. A party so electing must publish notice that an action has been brought. The notice must be published at least once each week for 4 consecutive weeks in a newspaper of general circulation published in the county where the action is commenced and in other counties within the jurisdiction of the taxing authority. The notice shall advise each similarly situated taxpayer that:

(i) the court will exclude him from the class if he so requests by a specific date;

(ii) the judgment, whether favorable or not, will include all similarly situated taxpayers who do not request to be excluded; and

(iii) any similarly situated taxpayer who does not request exclusion may, if he desires, enter an appearance.

(b) An election to give notice under this subsection does not prevent any party to the action from serving process on other interested parties.

(4) In a proceeding under [section 1] all issues shall be tried by the court.

NEW SECTION. Section 3. Remedy. (1) If the district court determines that the challenged rule or procedure is improper it may direct:

(a) that the assessment be changed for the taxpayer or taxpayers who brought the action as well as all similarly situated taxpayers; or

(b) such other remedy as the court considers appropriate.

(2) The remedy directed by the district court may apply only to taxes imposed during or after the year the rule or procedure is challenged. The remedy may not apply to the application or implementation of the rule or procedure as it applies to taxes imposed in years prior to the challenge under [section 1].

NEW SECTION. Section 4. Tax to be paid. A tax which is based on the rule or procedure being challenged under [section 1] and which becomes due before the final determination of the validity of the rule or procedure must be paid when due as a condition of continuing the action."

Renumber: subsequent sections

5. Page 3, line 20.
Following: "procedure"
Strike: "may be brought only before the state tax appeal"

6. Page 3, line 21.
Following: line 20
Strike: "board"
Insert: "shall apply only to the taxpayer bringing the challenge and may not apply to all similarly situated taxpayers unless an action is brought in the district court as provided in [sections 1 through 4]"

7. Page 3, lines 22 through 25.
Following: line 21
Strike: lines 22 through 25 in their entirety
Renumber: the following section

And, as so amended, do pass. Report adopted.

JUDICIARY (Anderson, Chairman):
SJR 9 be amended as follows:

1. Title, line 5 through line 7.
Following: "Montana" on line 5
Strike: line 5 through "DIRECT THE" on line 7
Insert: "REQUESTING AN INTERIM STUDY OF A"

2. Page 2, line 13.
Following: "to"
Strike: "plan"
Insert: "study a"

3. Page 2, line 15 through line 17.
Following: "Administration" on line 15
Strike: line 15 through "Annotated" on line 17

4. Page 3, lines 4 and 5.
Following: "Legislature" on line 4
Strike: line 4 through "occur" on line 5

And, as so amended, do pass. Report adopted.

MESSAGES FROM THE GOVERNOR

February 18, 1981

The Honorable Jean Turnage
President
Montana State Senate
State Capitol
Helena, Mt. 59620

Dear Senator Turnage:

I respectfully request that the term ending dates be changed for two of Governor Schwinden's recent appointments.

Carroll South as a member of the Board of Crime Control, from a term ending January 7, 1985 to a term ending January 1, 1983.

Pedro Hernandez as a member of the Board of Crime Control, from a term ending January 7, 1985, to a term ending January 1, 1983.

Sincerely,

Keith L. Colbo
Executive Assistant

Upon motion of Senator Stephens, duly carried, the Senate adjourned at 5:49 p.m. until Friday, February 20, at the hour of 2:30 p.m.

ALLEN C. KOLSTAD
President Pro Tempore of the Senate

JOHN W. LARSON
Secretary of the Senate

FORTY-FIRST LEGISLATIVE DAY

Helena, Montana
February 20, 1981

Senate Chambers
Capitol Building

Senate convened at 2:30 p.m., President Turnage presiding. Invocation by the Chaplain. Pledge of Allegiance to the Flag.

Roll call. All members present. Quorum present.

Mr. President: We, your Committee on Bills and Journal, having examined the daily journal for the Fortieth Legislative Day, find the same to be correct.

O'HARA, Chairman

REPORTS OF STANDING COMMITTEES

BILLS (O'Hara, Chairman):
Correctly engrossed - SB 138, SB 139, SB 140, SB 163, SB 448. Report adopted.

PRINTING (O'Hara, Chairman):
Correctly printed and placed on the members' desks - SB 33, SB 276, SB 289, SB 313, SB 334, SB 377, SB 390, SB 396, SB 397, SB 409, SB 428, SB 435, SB 438, SB 467, SB 468. Report adopted.

BUSINESS AND INDUSTRY (Hazelbaker, Chairman):
SB 247, do pass. Report adopted.

SB 370, introduced bill, be amended as follows:

1. Page 11, line 18.
Following: "appear on"
Strike: "a"

2. Page 11, line 19.
Following: line 18
Strike: "label or placard"
Insert: "each displayed package, or if the product is not packaged for display, on a placard"

And, as so amended, do pass. Report adopted.

SB 380, do pass. Report adopted.
SB 386, do pass. Report adopted.

The Committee adopted the following Statement of Intent:

STATEMENT OF INTENT: Senate Bill No. 386

A statement of intent is required for this bill in that it delegates rulemaking authority to the various licensing boards within the Department of Professional and Occupational Licensing.

This bill grants the various licensing boards within the Department of Professional and Occupational Licensing the authority to establish continuing education programs and requirements to insure maintenance of professional knowledge and competency of licensees. It is the intent of the Legislature that the continuing education programs have as their primary objective the protection of the health, safety, and welfare of the public, and, that the programs not serve primarily to limit entry into the profession or occupation or to promote the personal interests of the licensees.

First adopted by the Senate Business and Industry Committee on the 20th day of February 1981.

Report adopted.

SB 387, do pass. Report adopted.
SB 420, do pass. Report adopted.
SB 421, do pass. Report adopted.
SB 445, do pass. Report adopted.

LEGISLATIVE ADMINISTRATION (Kolstad, Chairman):
Respectfully reports as follows:

That Senate Bill No. 282 be amended as follows:

1. Title, line 4.
Following: "TO"
Strike: "ESTABLISH"
Insert: "REQUIRE THE ENVIRONMENTAL QUALITY COUNCIL TO ACT AS"

2. Title, line 6.
Following: "FOR"
Strike: "THE"
Insert: "ADDITIONAL"

3. Title, line 7.
Following: line 6
Strike: "COMMITTEE"
Insert: "COUNCIL"
Following: "ESTABLISHING"
Insert: "ADDITIONAL"
Following: "THE"
Strike: "COMMITTEE"
Insert: "COUNCIL"

4. Title, line 8.
Following: "AMENDING"
Strike: "SECTION"
Insert: "SECTIONS"
Following: "2-4-402"
Insert: "AND 75-1-301"

5. Pages 1 through 10.
Strike: all of the bill following the enacting clause
Insert: "NEW SECTION. Section 1. Short title. [Sections 1 through 11] may be cited as the "Legislative Energy and Natural Resources Policy Review Act of 1981".

NEW SECTION. Section 2. Purpose. It is the purpose of [sections 1 through 11] to establish a mechanism for continual legislative determination and oversight of policies concerning the development, use, and conservation of natural resources and energy in this state. In a period of rapidly changing needs, priorities, and economic conditions, continual and diligent legislative consideration of present and future policies affecting the state's energy and natural resources is essential to maintain the viability of the state's economy while also ensuring adequate protection of the physical environment.

NEW SECTION. Section 3. Duties of the council concerning energy and natural resource policies. The council shall:

(1) review and keep informed of energy and natural resource issues of importance to the state;

(2) review for conformance with legislative intent all existing and proposed rules filed with the secretary of state by:

(a) the department of natural resources and conservation;

(b) the department of state lands;

(c) the department of fish, wildlife, and parks;

(d) the department of health and environmental sciences relating to its environmental sciences function; or

(e) other agencies, whenever those rules substantially affect energy and natural resource policies;

(3) review and report to the legislature on the impact of federal policies, statutes, and regulations dealing with the state's energy and natural resources.

NEW SECTION. Section 4. Additional powers of the council. In addition to its other powers under this part, the council may:

(1) review and comment, upon request, on legislation dealing with energy and natural resources proposed by state agencies and legislators to facilitate a consistent and coordinated policy direction for the state;

(2) act as an intermediary and factfinding review authority for persons who contest the validity of rules or legislation.

NEW SECTION. Section 5. Review of resource issues. The council shall review and keep informed of energy and natural resource issues of importance to the state. If current laws and rules do not adequately address a program or situation requiring action by state government in the area of energy and natural resources, the council may develop appropriate remedial recommendations to be submitted to the legislature for its consideration at the next regular or special legislative session.

NEW SECTION. Section 6. Review of rules. (1) The council shall review all existing and proposed rules of the department as prescribed in subsection (2) of [section 3], as well as any other existing and proposed rules that substantially affect energy and natural resource policies.

(2) The council may:

(a) prepare written recommendations for the adoption, amendment, or rejection of a rule and submit the recommendations to the applicable department whenever a rulemaking hearing will not be held in accordance with the provisions of 2-4-302 through 2-4-305;

(b) prepare recommendations for the adoption, amendment, or rejection of a rule and submit oral or written testimony at a rulemaking hearing;

(c) require that a rulemaking hearing be held in accordance with the provisions of 2-4-302 through 2-4-305;

(d) recommend to the legislature the repeal, amendment, or adoption of a rule as provided in 2-4-412.

NEW SECTION. Section 7. Legislative intent — poll. (1) If the legislature is not in session, the council may poll the members of the legislature by mail to determine whether a proposed rule that it has reviewed under [section 6] is consistent with the intent of the legislature.

(2) If 20 or more legislators object in writing to any rule of the applicable department, the council shall poll the members of the legislature.

(3) The poll shall include an opportunity for the applicable department to present a written justification for the rule to the members of the legislature.

NEW SECTION. Section 8. Evidentiary value of legislative poll. (1) The results of a poll conducted by the council are admissible in a court proceeding involving the validity of a rule.

(2) If the results of the poll show that the majority of the members of both houses find a rule contrary to the intent of the legislature, the rule shall be conclusively presumed to be contrary to the legislative intent in a court proceeding involving its validity.

NEW SECTION. Section 9. Review of proposed legislation. (1) All agency bills dealing with energy and natural resources issues may be prepared in draft form and submitted to the council for review and comment by September 1 preceding a regular legislative session. Legislators may submit proposed legislation or notices of intent to request legislation dealing with energy and natural resources.

(2) The council shall:

(a) identify duplication and consolidate bills when possible;

(b) request all sponsors to ensure that the legislative intent of a bill is clear;

(c) provide sponsors with recommended changes;

(d) submit the council's recommendations about legislation it has reviewed to the legislature.

NEW SECTION. Section 10. Intermediary and factfinding function. (1) The council may act as an intermediary and factfinding review authority for persons who contest the validity of rules or legislation dealing with energy or natural resources.

(2) The council may accept written complaints from any person concerning statutes, rules, programs, or enforcement of them that the complainant believes are arbitrary or inconsistent with legislative intent.

(3) The council shall review all complaints within 60 days of receipt of the complaint.

(4) The council shall submit a statement of its findings, together with relevant documentation, to the responsible agency.

(5) The responsible agency shall respond within 30 days. The council may extend this time period upon petition by the agency. If no response is received within the designated time period, the rule or program in question shall be submitted to the legislature in a poll under [section 7] to determine legislative intent.

(6) Following a review of the response, the council shall meet with the responsible agency personnel to discuss possible remedial action.

(7) Upon request of the council, the agency shall then submit a plan to the council to comply with the committee's recommendations.

(8) If the council finds that a statute in question under this section needs revision, it may submit remedial legislation to the legislature at its next session.

(9) The council may hold any hearings it determines necessary to resolve disputes under this section.

(10) The council shall diligently attempt to resolve informally disputes arising under this section.

(11) No agency against which a complaint is brought under this section may retaliate in any manner against a person bringing the complaint.

NEW SECTION. Section 11. Review of federal policies, statutes, and regulations. (1) The council shall review and report to the legislature on the impact of federal policies, statutes, and regulations dealing with the state's energy and natural resources.

(2) The council may comment on its own behalf on federal policies, statutes, and regulations when appropriate.

Section 12. Section 2-4-402, MCA, is amended to read:

"2-4-402. Powers of the committee — duty to review rules. (1) The committee shall review all proposed rules filed with the secretary of state.

(2) Rules proposed by the ~~department~~ departments of revenue, natural resources and conservation, state lands, fish, wildlife, and parks, health and environmental sciences, the environmental sciences division, and other agencies as determined by the environmental quality council established in 5-16-101 may be reviewed only in regard to the procedural requirements of the Montana Administrative Procedure Act.

(3) The committee may:

(a) prepare written recommendations for the adoption, amendment, or rejection of a rule and submit those recommendations to the department proposing the rule when a rulemaking hearing will not be held in accordance with the provisions of 2-4-302 through 2-4-305;

(b) prepare recommendations for the adoption, amendment, or rejection of a rule and submit oral or written testimony at a rulemaking hearing;

(c) require that a rulemaking hearing be held in accordance with the provisions of 2-4-302 through 2-4-305;

(d) institute, intervene in, or otherwise participate in proceedings involving this chapter in the state and federal courts and administrative agencies;

(e) review the incidence and conduct of administrative proceedings under this chapter."

Section 13. Section 75-1-301, MCA, is amended to read:

"75-1-301. ~~Definition of council~~ Definitions. ~~In~~ As used in this part the following definitions apply:

(1) "~~council~~ Council" means the environmental quality council provided for in 5-16-101.

(2) "Person" means a person, firm, corporation, partnership, association, or other organization or entity."

Section 14. Codification instruction. Sections [1 through 11] are intended to be codified as an integral part of Title 75, chapter 1, part 3, and the provisions of Title 75, chapter 1, part 3, apply to sections [1 through 11].

Section 15. Severability. If a part of this act is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of this act is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications."

And, as so amended, do pass. Report adopted.

LOCAL GOVERNMENT (McCallum, Chairman):

SB 155, do pass. Report adopted.

SB 215, introduced bill, be amended as follows:

1. Page 1, line 15.
Following: "~~$2~~"
Strike: "$10"
Insert: "$5"

2. Page 1, line 20.
Following: "~~$2~~"
Strike: "$10"
Insert: "$5"

3. Page 1, line 22.
Following: "~~$2~~"
Strike: "$10"
Insert: "$5"

4. Page 1, line 24.
Following: "~~$2~~"
Strike: "$10"
Insert: "$5"

5. Page 1, line 25.
Following: "~~$1~~"
Strike: "$5"
Insert: "$2.50"

6. Page 2, line 3.
Following: "~~$4~~"
Strike: "$10"
Insert: "$5"

7. Page 2, line 5.
Following: "~~$5~~"
Strike: "$10"
Insert: "$7"

8. Page 2, line 7.
Following: "~~$2~~"
Strike: "$10"
Insert: "$5"

9. Page 2, line 9.
Following: line 8
Strike: "$10"
Insert: "$5"

10. Page 2, line 11.
Following: "~~25~~"
Strike: "50"
Insert: "25"

11. Page 2, lines 14 and 15.
Following: "publication,"
Strike: the remainder of line 14 through the word "mileage" on line 15
Insert: "$5"

12. Page 2, line 18.
Following: "sale,"
Strike: "$15"
Insert: "$7.50"

And, as so amended, do pass. Report adopted.

SB 354, do pass. Report adopted.
SB 362, do pass. Report adopted.

SB 450, introduced bill, be amended as follows:

1. Title, line 7.
Following: "SYSTEMS"
Insert: "; AND PROVIDING AN EFFECTIVE DATE"

2. Page 7.
Following: line 7
Insert: "Section 7. Effective date. This act is effective on passage and approval."

And, as so amended, do pass. Report adopted.

SB 442, introduced bill, be amended as follows:

1. Page 2, line 2.
Following: "ordinance"
Insert: "or resolution"

2. Page 2, line 9.
Following: "ringside"
Insert: "and shall provide for the qualifications of judges, referees, and seconds and for the payment of such officials by the promoter"

And, as so amended, do pass. Report adopted.

STATE ADMINISTRATION (Story, Chairman):
SB 481, do pass. Report adopted.

EDUCATION AND CULTURAL RESOURCES (B. Brown, Chairman):
SJR 22, introduced bill, be amended as follows:

1. Page 2, lines 9 through 12.

Following: "funding"
Strike: lines 9 through 12 in their entirety

And, as so amended, do pass. Report adopted.

LEGISLATIVE ADMINISTRATION (Kolstad, Chairman):
SJR 21, do pass. Report adopted.

FINANCE AND CLAIMS (Himsl, Chairman):
SB 443, do not pass.

Thereupon, the Adverse Committee Report was adopted by the following roll call vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, B. Brown, S. Brown, Conover, Crippen, Dover, Elliott, Etchart, Goodover, Graham, Hafferman, Hager, Hammond, Hazelbaker, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Mazurek, McCallum, Nelson, Ochsner, O'Hara, Olson, Regan, Severson, Smith, Stephens, Story, Thomas, Tveit, Mr. President.
Total 38

Noes: Boylan, Eck, Galt, Halligan, Healy, Manning, Norman, Ryan, Stimatz, Towe, Van Valkenburg.
Total 11

Excused: None.
Total 0

Absent or not voting: Haffey.
Total 1

JUDICIARY (Anderson, Chairman):
SB 329, do not pass.

Thereupon, the Adverse Committee Report was adopted by the following roll call vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Halligan, Hammond, Hazelbaker, Himsl, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Severson, Smith, Stephens, Story, Thomas, Tveit, Mr. President.
Total 41

Noes: Eck, Healy, Jacobson, Stimatz, Towe, Van Valkenburg.
Total 6

Excused: None.
Total 0

Absent or not voting: Haffey, Hager, Ryan.
Total 3

SB 477, do not pass.

Thereupon, the Adverse Committee Report was adopted by the following roll call vote:

Ayes: Aklestad, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Elliott, Etchart, Galt, Goodover, Graham, Hager, Hammond, Hazelbaker, Healy, Himsl, Johnson, Keating, Kolstad, Lee, Manley, Manning, Nelson, Norman, Ochsner, O'Hara, Olson, Severson, Smith, Stephens, Stimatz, Thomas, Tveit, Mr. President.

Total 36

Noes: Anderson, Berg, Eck, Hafferman, Haffey, Halligan, Jacobson, Mazurek, Regan, Ryan, Towe, Van Valkenburg.
Total 12

Excused: None.
Total 0

Absent or not voting: McCallum, Story.
Total 2

LABOR AND EMPLOYMENT RELATIONS (Nelson, Chairman):
SB 378, do not pass.

Thereupon, the Adverse Committee Report was adopted by the following roll call vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Elliott, Etchart, Galt, Goodover, Graham, Hager, Hammond, Hazelbaker, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, Nelson, Ochsner, Olson, Severson, Smith, Stephens, Story, Tveit, Mr. President.
Total 36

Noes: Eck, Hafferman, Haffey, Halligan, Healy, Norman, O'Hara, Regan, Ryan, Stimatz, Thomas, Towe, Van Valkenburg.
Total 13

Excused: None.
Total 0

Absent or not voting: McCallum.
Total 1

STATE ADMINISTRATION (Story, Chairman):
SB 417, do not pass.

Thereupon, the Adverse Committee Report was adopted by the following roll call vote:

Ayes: Aklestad, Anderson, B. Brown, Dover, Etchart, Galt, Goodover, Graham, Hafferman, Hammond, Himsl, Johnson, Lee, Manley, Manning, McCallum, Nelson, Ochsner, O'Hara, Severson, Stephens, Story, Tveit, Mr. President.
Total 24

Noes: Berg, Blaylock, Boylan, S. Brown, Conover, Crippen, Elliott, Haffey, Halligan, Hazelbaker, Healy, Jacobson, Keating, Kolstad, Mazurek, Norman, Regan, Ryan, Stimatz, Towe, Van Valkenburg.
Total 21

Excused: None.
Total 0

Absent or not voting: Eck, Hager, Olson, Smith, Thomas.
Total 5

SB 429, do not pass.

Thereupon, the Adverse Committee Report was adopted by the following roll call vote:

Ayes: Aklestad, Anderson, Boylan, B. Brown, S. Brown, Conover Crippen, Dover, Elliott, Etchart, Galt, Goodover, Graham, Hafferman

Hammond, Hazelbaker, Himsl, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Severson, Stephens, Story, Thomas, Towe, Tveit, Mr. President.
Total 37

Noes: Berg, Blaylock, Eck, Haffey, Halligan, Healy, Jacobson, Regan, Ryan, Stimatz, Van Valkenburg.
Total 11

Excused: None.
Total 0

Absent or not voting: Hager, Smith.
Total 2

SB 441, do not pass.

Thereupon, the Adverse Committee Report was adopted by the following roll call vote:

Ayes: Aklestad, Anderson, B. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Hammond, Hazelbaker, Healy, Himsl, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Ryan, Severson, Stephens, Stimatz, Story, Thomas, Tveit, Van Valkenburg, Mr. President.
Total 39

Noes: Berg, Blaylock, Boylan, S. Brown, Haffey, Halligan, Jacobson, Regan, Smith, Towe.
Total 10

Excused: None.
Total 0

Absent or not voting: Hager.
Total 1

SB 464, do not pass.

Thereupon, the Adverse Committee Report was adopted by the following roll call vote:

Ayes: Aklestad, Anderson, Blaylock, Boylan, S. Brown, Conover, Crippen, Dover, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Hager, Hammond, Hazelbaker, Himsl, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Ryan, Severson, Smith, Stephens, Story, Thomas, Tveit, Mr. President.
Total 39

Noes: Berg, B. Brown, Eck, Haffey, Halligan, Healy, Jacobson, Regan, Stimatz, Towe, Van Valkenburg.
Total 11

Excused: None.
Total 0

Absent or not voting: None.
Total 0

TAXATION (Goodover, Chairman):
SB 53, do not pass.

Thereupon, the Adverse Committee Report was adopted by the following roll call vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

STATE ADMINISTRATION (Story, Chairman):
SJR 15, do not pass.

Thereupon, the Adverse Committee Report was adopted by the following roll call vote:

Ayes: Aklestad, Anderson, Boylan, B. Brown, S. Brown, Conover, Dover, Elliott, Etchart, Galt, Goodover, Graham, Hammond, Hazelbaker, Himsl, Johnson, Keating, Kolstad, Lee, Manley, Manning, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Severson, Smith, Stephens, Story, Thomas, Tveit, Mr. President.
Total 34

Noes: Berg, Blaylock, Crippen, Eck, Hafferman, Haffey, Halligan, Healy, Jacobson, Mazurek, Regan, Ryan, Stimatz, Towe, Van Valkenburg.
Total 15

Excused: None.
Total 0

Absent or not voting: Hager.
Total 1

BUSINESS AND INDUSTRY (Hazelbaker, Chairman):
SB 5, do not pass.

Thereupon, the Adverse Committee Report was adopted by the following roll call vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 47

Noes: Crippen, Hafferman, Himsl.
Total 3

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 220, do not pass.

Thereupon, the Adverse Committee Report was adopted by the following roll call vote:

Ayes: Aklestad, Anderson, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Tveit, Van Valkenburg, Mr. President.
Total 45

Noes: Berg, Blaylock, Ryan, Towe.
Total 4

Excused: None.
Total 0

Absent or not voting: Hager.
Total 1

SB 250, do not pass.

Thereupon, the Adverse Committee Report was adopted by the following roll call vote:

Ayes: Aklestad, Anderson, Boylan, B. Brown, Crippen, Dover, Elliott, Etchart, Galt, Goodover, Graham, Hager, Hammond, Hazelbaker, Healy, Himsl, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Ochsner, O'Hara, Olson, Severson, Smith, Stephens, Story, Tveit, Mr. President.
Total 34

Noes: Berg, Blaylock, Conover, Eck, Hafferman, Haffey, Halligan, Jacobson, Norman, Regan, Ryan, Stimatz, Thomas, Towe, Van Valkenburg.
Total 15

Excused: None.
Total 0

Absent or not voting: S. Brown.
Total 1

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following House Bills were on 2/19/81, passed and transmitted to the Senate for concurrence:

House Bill No. 130, introduced by Jacobsen (89-8)

House Bill No. 132, introduced by Jacobsen (82-16)

House Bill No. 291, introduced by Huennekens (76-23)

House Bill No. 299, introduced by Shontz (100-0)

House Bill No. 429, introduced by Vincent (70-30)

House Bill No. 447, introduced by O'Hara (99-1)

House Bill No. 448, introduced by Nordtvedt (94-5)

House Bill No. 485, introduced by Hemstad (98-1)

House Bill No. 494, introduced by Curtiss (98-0)

House Bill No. 495, introduced by Bergene (99-0)

House Bill No. 498, introduced by Oberg (89-11)

House Bill No. 510, introduced by Lory (99-0)

House Bill No. 550, introduced by Kemmis (96-3)

House Bill No. 569, introduced by Kemmis (89-8)

House Bill No. 594, introduced by Kemmis (95-5)

House Bill No. 622, introduced by Neuman (86-11)

House Bill No. 675, introduced by Harper (77-22)

The following Senate Bill was on 2/19/81, concurred in and returned to the Senate:

Senate Bill No. 340, introduced by Stephens (99-0)

MOTIONS

At the request of Senator Stephens, without objection, Senate Bill No. 427 was placed at the top of the board, in between Senate Bill No. 196 and Senate Bill No. 217.

On motion by Senator Stephens, duly carried, action on House Bill No. 250 was deferred from Third Reading this Legislative Day and placed on Third Reading on February 24, 1981.

Senator Aklestad moved that the Senate reconsider its action taken on the adoption of indefinitely postponing Senate Bill No. 360 on Second Reading the Fortieth Legislative Day, and that it be placed on Second Reading this day. Motion failed by the following vote:

Ayes: Aklestad, Dover, Elliott, Galt, Goodover, Graham, Hager, Hammond, Hazelbaker, Himsl, Keating, Kolstad, Lee, Manley, McCallum, Nelson, Ochsner, O'Hara, Olson, Severson, Smith, Stephens, Story, Tveit, Mr. President.
Total 25

Noes: Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Eck, Etchart, Hafferman, Haffey, Halligan, Healy, Jacobson, Johnson, Manning, Mazurek, Norman, Regan, Ryan, Stimatz, Thomas, Towe, Van Valkenburg.
Total 25

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Senator Eck moved that the Senate reconsider its action taken on the adoption of an Adverse Committee Report on Senate Bill No. 417 this Legislative Day and that it be printed and placed on Second Reading. Motion failed by the following vote:

Ayes: Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Eck, Elliott, Haffey, Halligan, Healy, Jacobson, Johnson, Keating, Mazurek, Norman, Regan, Ryan, Stimatz, Thomas, Towe, Van Valkenburg.
Total 23

Noes: Aklestad, Anderson, Dover, Etchart, Galt, Goodover, Graham, Hafferman, Hager, Hammond, Hazelbaker, Kolstad, Lee, Manley,

McCallum, Nelson, Ochsner, O'Hara, Olson, Severson, Smith, Stephens, Story, Tveit, Mr. President.
Total 25

Excused: None.
Total 0

Absent or not voting: Himsl, Manning.
Total 2

Senator Haffey moved that the Senate reconsider its action taken on the adoption of an Adverse Committee Report on Senate Joint Resolution No. 15 this Legislative Day and that it be printed and placed on Second Reading. Motion passed by the following vote:

Ayes: Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Hafferman, Haffey, Hager, Halligan, Healy, Jacobson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, Norman, Ochsner, O'Hara, Regan, Ryan, Stimatz, Thomas, Towe, Van Valkenburg, Mr. President.
Total 30

Noes: Aklestad, Dover, Eck, Elliott, Etchart, Galt, Goodover, Hammond, Hazelbaker, Himsl, Johnson, McCallum, Nelson, Olson, Severson, Smith, Stephens, Story, Tveit.
Total 19

Excused: None.
Total 0

Absent or not voting: Graham.
Total 1

FIRST READING OF BILLS

The following House bills were introduced, read first time and referred to committees:

HB 130, introduced by Jacobsen. Referred to Committee on Business and Industry.

HB 132, introduced by Jacobsen, Manuel, Abrams. Referred to Committee on Business and Industry.

HB 291, introduced by Huennekens, (By Request of the Department of Social and Rehabilitation Services). Referred to Committee on State Administration.

HB 299, introduced by Shontz. Referred to Committee on Highways and Transportation.

HB 429, introduced by Vincent, Fabrega, Bardanouve. Referred to Committee on State Administration.

HB 447, introduced by D. O'Hara, Andreason, Winslow. Referred to Committee on Taxation.

HB 485, introduced by Hemstad, Meyer. Referred to Committee on Judiciary.

HB 494, introduced by Curtiss, Asay. Referred to Committee on Agriculture, Livestock and Irrigation.

HB 495, introduced by Bergene, Hammond, Seifert, Conn, Gould, Fabrega, Meyer, Sales, Ellerd, Harp, Huennekens, Kropp, Thoft, Phillips, Matsko, Hemstad. Referred to Committee on Business and Industry.

HB 498, introduced by Oberg. Referred to Committee on Local Government.

HB 510, introduced by Lory, Conroy, Seifert, (By Request of the Department of Administration). Referred to Committee on Business and Industry.

HB 550, introduced by Kemmis, Van Valkenburg, Dozier, Yardley. Referred to Committee on Business and Industry.

HB 569, introduced by Kemmis, Dover, Bardanouve, Vincent, McBride, Halligan, Galt, Keating, Boylan, Quilici, Menahan, Kolstad, Eck, Roth, Bertelsen, Harrington, Seifert, Lory, Jensen, Jacobson. Referred to Committee on Taxation.

HB 594, introduced by Kemmis, Norman. Referred to Committee on State Administration.

HB 622, introduced by Neuman, Meyer, Switzer, Abrams, Holliday, Hurwitz, Roth, Manuel, Ryan, Manning. Referred to Committee on Taxation.

HB 675, introduced by Harper, (By Request of the Study Committee on State Mandates and the Effects of State-owned Property on Local Governments). Referred to Committee on Education and Cultural Resources.

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Etchart in the Chair.

Senate resumed. President Turnage in the Chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on Second Reading, recommend as follows:

That Senate Bill No. 196 be indefinitely postponed. Motion carried by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: Ochsner.
Total 1

That Senate Bill No. 427 be amended as follows:

1. Page 7, line 2.
Following: "~~eight~~"
Strike: "nine"
Insert: "ten"

2. Page 7, line 4.
Following: "~~five~~"
Strike: "four"
Insert: "five"

3. Page 14, line 6.
Following: "~~eight~~"
Strike: "nine"
Insert: "ten"

Amendments passed by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: Hager.
Total 1

Excused: None.
Total 0

Absent or not voting: None.
Total 0

That Senate Bill No. 427, as amended, do pass by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

That the Committee rise and report and beg leave to sit again. (Etchart, Chairman)

Upon motion of Senator Etchart, duly carried, the foregoing Report of the Committee of the Whole was adopted.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

Senate Bill No. 29 was passed by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: Graham, Ochsner.
Total 2

Senate Bill No. 112 was passed by the following vote:

Ayes: Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Eck, Elliott, Etchart, Galt, Goodover, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Norman, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 43

Noes: Aklestad, Dover, Hafferman, Johnson, Nelson.
Total 5

Excused: None.
Total 0

Absent or not voting: Graham, Ochsner.
Total 2

Senate Bill No. 133 was passed by the following vote:

Ayes: Aklestad, Anderson, Blaylock, Boylan, B. Brown, Conover, Dover, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Hammond, Hazelbaker, Healy, Himsl, Keating, Kolstad, Lee, Manley, Manning, McCallum, Nelson, Norman, O'Hara, Olson, Ryan, Severson, Smith, Stephens, Stimatz, Thomas, Tveit, Mr. President.
Total 37

Noes: Berg, S. Brown, Crippen, Eck, Halligan, Jacobson, Johnson, Mazurek, Regan, Story, Towe, Van Valkenburg.
Total 12

Excused: None.
Total 0

Absent or not voting: Ochsner.
Total 1

Senate Bill No. 243 was passed by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, B. Brown, S. Brown, Conover, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, O'Hara, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 46

Noes: Boylan, Crippen, Olson.
Total 3

Excused: None.
Total 0

Absent or not voting: Ochsner.
Total 1

Senate Bill No. 245 was passed by the following vote:

Ayes: Anderson, Berg, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 47

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: Aklestad, Blaylock, Ochsner.
Total 3

Senate Bill No. 265 was passed by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 47

Noes: Boylan, Manley, Ryan.
Total 3

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Senate Bill No. 267 was passed by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Senate Bill No. 336 was passed by the following vote:

Ayes: Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Crippen, Dover, Eck, Elliott, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.

Total 46

Noes: Aklestad, Etchart.
Total 2

Excused: None.
Total 0

Absent or not voting: Conover, Manning.
Total 2

Senate Bill No. 349 was passed by the following vote:

Ayes: Aklestad, Anderson, Blaylock, Boylan, B. Brown, Conover, Crippen, Dover, Eck, Elliott, Galt, Goodover, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, McCallum, Norman, Ochsner, O'Hara, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg.
Total 41

Noes: Berg, S. Brown, Etchart, Graham, Himsl, Mazurek, Nelson, Olson, Mr. President.
Total 9

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Senate Bill No. 353 was passed by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: Haffey.
Total 1

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Senate Bill No. 363 was passed by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Senate Bill No. 368 was passed by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: Boylan.
Total 1

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Senate Bill No. 395 was passed by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: Manning.
Total 1

Senate Bill No. 399 was passed by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, Conover, Crippen, Dover, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Tveit, Mr. President.
Total 45

Noes: S. Brown, Eck, Regan, Towe, Van Valkenburg.
Total 5

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Senate Bill No. 406 was passed by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Senate Bill No. 407 was passed by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Senate Bill No. 414 was passed by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Senate Bill No. 422 was passed by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham

Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Senate Bill No. 440 was passed by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Regan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: Olson, Ryan.
Total 2

Senate Bill No. 456 was passed by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: Olson.
Total 1

Senate Bill No. 458 was passed by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Eck, Etchart, Graham, Haffey, Hager, Halligan, Hazelbaker, Healy, Himsl, Jacobson, Keating, Kolstad, Manning, Mazurek, McCallum, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.

Total 39

Noes: Dover, Elliott, Galt, Goodover, Hafferman, Hammond, Johnson, Lee, Manley, Nelson, Story.
Total 11

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Senate Joint Resolution No. 12 was passed by the following vote:

Ayes: Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Eck, Etchart, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Keating, Kolstad, Manning, Mazurek, McCallum, Norman, Ochsner, O'Hara, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Thomas, Towe, Van Valkenburg, Mr. President.
Total 38

Noes: Aklestad, Dover, Elliott, Galt, Goodover, Johnson, Lee, Manley, Nelson, Olson, Story, Tveit.
Total 12

Excused: None.
Total 0

Absent or not voting: None.
Total 0

At the request of the President, and without objection, the Senate reverted to Order of Business No. 8.

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Dover in the Chair.

Senate resumed. President Turnage in the Chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on Second Reading, recommend as follows:

That Senate Bill No. 217 do pass by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: Elliott.
Total 1

Excused: None.
Total 0

Absent or not voting: None.
Total 0

That Senate Bill No. 231 do pass by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

That Senate Bill No. 235 do pass by the following vote:

Ayes: Aklestad, Anderson, Boylan, B. Brown, Conover, Crippen, Elliott, Etchart, Galt, Goodover, Hafferman, Haffey, Hammond, Hazelbaker, Healy, Jacobson, Keating, Kolstad, Lee, Manley, McCallum, Nelson, Ochsner, O'Hara, Ryan, Severson, Smith, Stephens, Stimatz, Story, Towe, Tveit.
Total 32

Noes: Blaylock, S. Brown, Eck, Mazurek, Regan, Van Valkenburg.
Total 6

Excused: None.
Total 0

Absent or not voting: Berg, Dover, Graham, Hager, Halligan, Himsl, Johnson, Manning, Norman, Olson, Thomas, Mr. President.
Total 12

That Senate Bill No. 273 do pass by the following vote:

Ayes: Aklestad, Anderson, Boylan, Conover, Dover, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hammond, Hazelbaker, Himsl, Keating, Kolstad, Lee, Manley, Mazurek, McCallum, Nelson, Ochsner, O'Hara, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Tveit, Mr. President.
Total 33

Noes: Blaylock, Berg, B. Brown, S. Brown, Crippen, Eck, Healy, Jacobson, Manning, Regan, Towe, Van Valkenburg.
Total 12

Excused: None.
Total 0

Absent or not voting: Hager, Halligan, Johnson, Norman, Olson.
Total 5

That Senate Bill No. 277 do pass by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek,

McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

That Senate Bill No. 279 do pass by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

That Senate Bill No. 288 do pass by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

That Senate Bill No. 290, without objection, be placed at the bottom of the board.

Upon motion of Senator Stephens, duly carried, that the Senate recess.

Senate recessed at 5:01 p.m.

Senate resumed at 5:12 p.m.

That Senate Bill No. 320 do pass by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, Conover, Crippen, Eck, Elliott, Goodover, Graham, Hafferman, Haffey, Halligan, Hazelbaker, Healy, Himsl, Jacobson, Kolstad, Lee, Mazurek, Ochsner, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Thomas, Towe, Tveit, Van Valkenburg.
Total 33

Noes: Hammond, Keating, Manley.
Total 3

Excused: None.
Total 0

Absent or not voting: B. Brown, S. Brown, Dover, Etchart, Galt, Hager, Johnson, Manning, McCallum, Nelson, Norman, O'Hara, Story, Mr. President.
Total 14

That Senate Bill No. 325 be amended as follows:

1. Page 1, line 19.
Following: "YEAR."
Insert: "The court shall, on or before July 1, 1982, and on or before July 1 of each year thereafter adjust and fix the salary of the chief probation officer for a cost-of-living increase by adding to his annual salary on July 1, 1981, an increment of not more than 70% of the last previous calendar year's consumer price index for all urban consumers, U.S. department of labor, bureau of labor statistics, or other index that the bureau of business and economic research of the university of Montana may in the future recognize as the successor to that index. The cost-of-living increment for the fiscal year beginning July 1, 1982, and for each subsequent fiscal year shall be added to all cost-of-living increments granted for previous years."

Amendment passed by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

That Senate Bill No. 325, as amended, do pass by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.

Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

That Senate Bill No. 385 be moved to the bottom of the board. Motion carried by the following vote:

Ayes: Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 46

Noes: Aklestad, Galt, Hafferman, Ryan.
Total 4

Excused: None.
Total 0

Absent or not voting: None.
Total 0

That Senate Bill No. 402, without objection, be moved to the bottom of the board.

That Senate Bill No. 405 do pass by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

That Senate Bill No. 413 do pass by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

That Senate Bill No. 424 do pass by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

That Senate Bill No. 432 do pass by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

That Senate Bill No. 434 do pass by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.

Total 0

Absent or not voting: None.
Total 0

That Senate Bill No. 455 do pass by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

That Senate Bill No. 479 do pass by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

That Senate Joint Resolution No. 13 do pass by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

That the Committee rise and report. (Dover, Chairman)

Upon motion of Senator Dover, duly carried, the foregoing Report of the Committee of the Whole was adopted.

At the request of the President, and without objection, the Senate reverted to Order of Business No. 2.

REPORTS OF STANDING COMMITTEES

PUBLIC HEALTH, WELFARE AND SAFETY (Hager, Chairman):
SB 426, introduced bill, be amended as follows:

1. Page 11, lines 6 through 10.
Following: line 5
Insert: the stricken material in lines 6 through 10
Renumber: subsequent subsections

And, as so amended, do pass. Report adopted.

LOCAL GOVERNMENT (McCallum, Chairman):
SB 50, introduced bill, be amended as follows:

1. Page 1, line 16.
Following: line 15
Insert: "part-time county attorney,"

2. Page 4, lines 11 through 16.
Following: "of"
Strike: the remainder of lines 11 through 16
Insert: ": (a) $14,000 for counties of the first through third class to the population increment of $10 for each 100 persons or major fraction thereof included in the county's population as determined by the 1980 federal decennial census; or

(b) $12,000 for counties of the fourth through seventh class to the population increment of $20 per 100 persons or major fraction thereof included in the county's population as determined by the 1980 federal decennial census."

3. Page 4, line 19.
Following: "~~$400~~"
Strike: "$500"
Insert: "$400"

4. Page 4, line 23.
Following: "~~$2,000~~"
Strike: "$5,000"
Insert: "$2,000"

5. Page 5, line 2.
Following: "~~$1,200.~~"
Insert: "Except in counties with a population greater than 30,000, the county attorney who is a part-time official shall receive, in addition to the salary based upon subsection (1), the sum of $1,200 per year."

6. Page 5, line 5.
Following: "~~$30,000~~"
Strike: "$45,000
Insert: "$36,500"

7. Page 5, line 13.
Following: "~~$30,000~~"

Strike: "$45,000"
Insert: "$36,500"

8. Page 5, lines 13 through 16.
Following: "."
Strike: the remainder of line 13 through the word and punctuation "1981."

9. Page 7, lines 7 through 10.
Following: ":"
Strike: the remainder of line 7 through line 10
Insert: "."

10. Page 7, line 12.
Following: "~~a~~"
Strike: "an annual"
Insert: "a"

11. Page 7, lines 14 through 16.
Following: "~~board~~"
Strike: the remainder of line 14 through the word "$80" on line 16
Insert: "of not more than $50"

12. Page 8, lines 12 and 13.
Following: "salary"
Strike: "of $14,000, 100%"
Insert: ", not more than 70%"

13. Page 9, line 6.
Following: line 5
Strike: "7-4-2503(1)"
Insert: "7-4-2503"

14. Page 9, line 7.
Following: "least"
Strike: "10%"
Insert: "7%"

15. Page 9, line 9.
Following: "to"
Strike: "10%"
Insert: "7%"

And, as so amended, do pass. Report adopted.

PUBLIC HEALTH, WELFARE AND SAFETY (Hager, Chairman):
SB 452, introduced bill, be amended as follows:

1. Page 19, line 6.
Following: "chapter"
Strike: "6"
Insert: "30"
Following: "chapter"
Strike: "6"
Insert: "30"

And, as so amended, do pass. Report adopted.

AGRICULTURE, LIVESTOCK AND IRRIGATION (Galt, Chairman):
SB 470, introduced bill, be amended as follows:

1. Page 5, line 20.
Following: "laws"

Insert: "or to dams and reservoirs licensed and subject to inspection by the federal energy regulatory commission."

2. Page 6, line 6.
Following: "if"
Strike: "an act is construction"
Insert: "a dam is high-hazard"

And, as so amended, do pass. Report adopted.

The Committee adopted the following Statement of Intent:

STATEMENT OF INTENT: Senate Bill No. 470

A statement of intent is required for this bill because it delegates rulemaking authority to the Department of Natural Resources in section 21.

It is the intent that the Department adopt rules relating to standards for a pre-design conference, insuring compliance with existing environmental laws, reviewing soil testing relating to the design of the structure, and the time frame in which plans must be approved by the Department.

First adopted by the Senate Agriculture, Livestock and Irrigation Committee on the 20th day of February 1981.

Report adopted.

JUDICIARY (Anderson, Chairman):
SB 219, introduced bill, be amended as follows:

1. Title, line 5.
Following: "AMENDING"
Strike: "SECTION"
Insert: "SECTIONS"
Following: "46-18-201"
Insert: "AND 46-20-103"

2. Page 7.
Following: line 3
Insert: "Section 6. Section 46-20-103, MCA, is amended to read:

"46-20-103. Scope of appeal by state. (1) Except as otherwise specifically authorized, the state may not appeal in a criminal case.

(2) The state may appeal from any court order or judgment the substantive effect of which results in:

(a) dismissing a case;

(b) modifying or changing the verdict as provided in 46-16-702(3)(c);

(c) granting a new trial;

(d) quashing an arrest or search warrant;

(e) suppressing evidence;

(f) suppressing a confession or admission; ~~or~~

(g) granting or denying change of venue; <u>or</u>

<u>(h) application of or deviation from the presumptive sentence required by [Section 1].</u>'"
Renumber: subsequent section

And, as so amended, do pass. Report adopted.

SB 238, second reading bill, be amended as follows:

1. Page 2, line 5 through line 6.
Following: "DAMAGE" on line 5
Strike: line 5 through "VEHICLE" on line 6

2. Page 2, line 22.
Following: "allow"
Strike: ", as part of the costs,"

3. Page 3, lines 5 through 11.
Strike: subsection (2) in its entirety

And, as so amended, do pass. Report adopted.

SB 246, introduced bill, be amended as follows:

1. Line 11.
Following: "the"
Insert: "actual"

2. Line 12.
Following: "vehicle"
Insert: "rather than its "book value""

3. Following line 12.
Insert: "Actual replacement value is the actual cash value of the motor vehicle immediately prior to the damage."

And, as so amended, do pass. Report adopted.

SB 253, introduced bill, be amended as follows:

1. Page 8.
Following: line 16
Insert: "Section 4. Section 41-3-302, MCA, is amended to read:

"41-3-302. Responsibility of providing protective services. (1) The department of social and rehabilitation services and the county welfare department shall have the primary responsibility to provide the protective services authorized by this chapter and shall have the authority pursuant to this chapter to take temporary ~~, limited,~~ or permanent custody of a child when ordered to do so by the court, including the right to give consent to adoption.""
Renumber: subsequent section

2. Page 10, line 21.
Following: line 21
Insert: "(c) termination of the parent-child legal relationship;"
Reletter: subsequent subsections

And, as so amended, do pass. Report adopted.

SB 272, introduced bill, be amended as follows:

1. Page 5, line 7.
Following: "if"
Strike: ":"

2. Page 5, line 8.
Following: line 7
Strike: "(a)"

3. Page 5, lines 10 through 12.
Following: "requirement" on line 10
Strike: line 10 through line 12

And, as so amended, do pass. Report adopted.

LOCAL GOVERNMENT (McCallum, Chairman):
SB 48, do pass. Report adopted.

SB 84, introduced bill, be amended as follows:

1. Title, lines 5 and 6.
Following: "CLARIFY"
Strike: "THE PAYABLE EXPENSES AND"

2. Page 1, line 13.
Following: "~~$12,500~~"
Strike: "$16,000"
Insert: "$14,000"
Following: "~~$18,000~~"
Strike: "$27,500"
Insert: "$20,000"

3. Page 2, line 5.
Following: "~~travel~~"
Insert: "travel"

And, as so amended, do pass. Report adopted.

SB 175, introduced bill, be amended as follows:

1. Page 1, line 16.
Following: "~~7 ½~~"
Strike: "17"
Insert: "10"

And, as so amended, do pass. Report adopted.

SB 343, introduced bill, be amended as follows:

1. Page 1, lines 16 through 22.
Following: "district."
Strike: the remainder of lines 16 through 22
Insert: "A proposed refuse disposal district shall be comprised of one or more existing voting precincts that may cross county lines. Not less than 25% of the qualified electors of each precinct who are taxpayers upon property within the proposed district and whose names appear on the last completed assessment roll for state and county taxes may initiate by petition the proceedings for creation of a refuse disposal district. The consent of the governing body of an incorporated city or town must be obtained to be included in a district"

And, as so amended, do pass. Report adopted.

NATURAL RESOURCES (Dover, Chairman):
SB 367, do pass. Report adopted.

SB 376, introduced bill, be amended as follows:

1. Title, lines 7 and 8.
Following: "INCLUDING" on line 7
Strike: "MAJOR PIPELINES AS A FACILITY" on lines 7 and 8

Insert: "EXEMPTING FACILITIES SUBJECT TO THE MONTANA STRIP AND UNDERGROUND MINE RECLAMATION ACT"

2. Title, lines 17 and 18.
Following: "CLOSURE;" on line 17
Strike: "PROVIDING" through "PIPELINES;" on lines 17 and 18

3. Page 4, line 13.
Following: "~~$250,000~~"
Strike: "$750,000"
Insert: "$10 million"

4. Page 4, line 16.
Following: "~~$250,000~~"
Strike: "$750,000"
Insert: "$10 million"

5. Page 4, line 19.
Following: ~~$250,00~~"
Strike: "$750,000"
Insert: "$10 million"

6. Page 4, line 21.
Following: "~~$250,000~~"
Strike: "$750,000"
Insert: "$10 million"

7. Page 4, line 22.
Following: "utilizing"
Strike: ", refining,"

8. Page 4, line 23.
Following: "thereto"
Insert: ", except those facilities subject to the Montana Strip and Underground Mine Reclamation Act,"

9. Page 4, line 24.
Following: "~~$250,000~~"
Strike: "750,000"
Insert: "$10 million"

10. Page 5, lines 6 through 12.
Following: "facilities" on line 6
Strike: ":" through "(ii)" on lines 6 through 12 and strike subsection "(i)" in its entirety

11. Page 19, line 25.
Following: "facilities"
Strike: ".: however,"
Insert: "."

12. Page 20, lines 1 through 3.
Following: "however," on line 25, page 19
Strike: "natural" through "facilities." on lines 1 through 3 on page 20

13. Page 23, lines 3 through 7.
Following: "75-20-406(3)(a)."
Strike: "NEW SECTION. Section 10." in its entirety on lines 3 through 7
Renumber: subsequent section

And, as so amended, do pass. Report adopted.

PUBLIC HEALTH, WELFARE AND SAFETY (Hager, Chairman):
SB 193, do pass. Report adopted.

SB 195, introduced bill, be amended as follows:

1. Page 1, lines 22 and 23.
Strike: "chiropractor licensed to practice in Montana"
Insert: "public member"

And, as so amended, do pass. Report adopted.

SB 314, do pass. Report adopted.
SB 391, do pass. Report adopted.

SB 418, introduced bill, be amended as follows:

1. Page 15, line 16.
Following: "than"
Strike: "1"
Insert: "3"

2. Page 15, lines 16 through 18.
Following: "filled"
Strike: "A prescription may not be refilled when a refill is prohibited by federal or state law."

And, as so amended, do pass. Report adopted.

TAXATION (Goodover, Chairman):
SB 192, introduced bill, be amended as follows:

1. Title, line 5.
Following: "TO"
Strike: "20"
Insert: "10"

2. Page 1, line 15.
Following: "5"
Strike: "20"
Insert: "10"

And, as so amended, do pass. Report adopted.

SB 207, do pass. Report adopted.
SB 208, do pass. Report adopted.

SB 269, introduced bill, be amended as follows:

1. Page 6, line 1.
Following: "easement."
Insert: "The defendant shall exercise the option granted in this section by filing a written election with the district court at least 15 days before trial. If the option is exercised the agreement, or court order for annual payments, shall be considered the just compensation required under Article 2, section 29, Montana Constitution. It may not be changed or altered as a result of subsequent circumstances."

2. Line 1, page 7.
Following: "possession"
Insert: "or summons, whichever occurs first"

3. Page 7, line 3.
Following: "possession"

Insert: "or summons, whichever occurs first"

And, as so amended, do pass. Report adopted.

SB 284, do pass. Report adopted.

FINANCE AND CLAIMS (Himsl, Chairman):
SJR 19, introduced bill, be amended as follows:

1. Title, lines 9 through 13.
Following: "BUDGET"
Strike: remainder of lines through 13 in their entirety

2. Page 2, lines 2 through 6.
Following: "necessary"
Strike: remainder of lines 2 through 6 in their entirety

3. Page 2, line 16 through line 9 on page 3.
Following: line 15
Strike: line 16 on page 2 through line 9 on page 3 in their entirety
Renumber: all subsequent subsections

4. Page 3, lines 10 and 11.
Following: "this"
Strike: remainder of line 10 through "United States" on line 11
Insert: "resolution"

5. Page 3, line 14.
Following: "this"
Strike: "application"
Insert: "resolution"

6. Page 4, lines 2 through 6.
Strike: lines 2 through 6 in their entirety

And, as so amended, do pass. Report adopted.

NATURAL RESOURCES (Dover, Chairman):
SJR 14, do pass. Report adopted.

TAXATION (Goodover, Chairman):
SJR 10, do pass. Report adopted.
SJR 23, do pass. Report adopted.

PUBLIC HEALTH, WELFARE AND SAFETY (Hager, Chairman):
SJR 17, do pass. Report adopted.

PRINTING (O'Hara, Chairman):
Correctly printed and placed on the members' desks - SB 107, SB 210, SB 287, SB 294, SB 335, SB 381, SB 392, SB 398, SB 419, SB 449, SB 463, SJR 9. Report adopted.

The Senate will please take note that the President did, at the hour of 4:00 p.m., 2/20/81, sign the following bills:
HB 124, HB 139, HB 322.

Jean A. Turnage
President

MOTIONS

Upon motion of Senator Blaylock, that Senator Healy's vote on the Adverse Committee Report on Senate Bill No. 250 be changed from "aye" to "no". Motion carried by the following roll call vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Motion was made by Senator Jacobson that the rules of the Forty-seventh Legislative Session be temporarily suspended in order to introduce a Joint Resolution to President Reagan relating to the (MHD) Magnetohydrodynamics Project in Butte, Montana. Motion carried by the following vote:

Ayes: Anderson, Berg, Blaylock, Boylan, B. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 47

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: Aklestad, S. Brown, Smith.
Total 3

Upon motion of Senator Stephens, duly carried, the Senate adjourned at 6:16 p.m. until Saturday, February 21, at the hour of 10:00 a.m.

JEAN A. TURNAGE
President of the Senate

JOHN W. LARSON
Secretary of the Senate

FORTY-SECOND LEGISLATIVE DAY

Helena, Montana
February 21, 1981

Senate Chambers
Capitol Building

Senate convened at 10:00 a.m., President Turnage presiding. Invocation by the Chaplain. Pledge of Allegiance to the Flag.

Roll call. All members present except Conover, Manning, excused. Quorum present.

Mr. President: We, your Committee on Bills and Journal, having examined the daily journal for the Forty-first Legislative Day, find the same to be correct.

O'HARA, Chairman

REPORTS OF STANDING COMMITTEES

PRINTING (O'Hara, Chairman):
Correctly printed and placed on the members' desks - SB 84, SB 175, SB 192, SB 195, SB 247, SB 282, SB 354, SB 362, SB 380, SB 386, SB 387, SB 418, SB 421, SB 445, SB 481, SJR 10, SJR 14, SJR 15, SJR 17, SJR 21, SJR 22, SJR 23. Report adopted.

BILLS (O'Hara, Chairman):
Correctly engrossed - SB 229, SB 459. Report adopted.

FINANCE AND CLAIMS (Himsl, Chairman):
SB 300, introduced bill, be amended as follows:

1. Page 1, line 16.
Following: "purpose."
Insert: "If the department of administration approves grants in excess of the amount appropriated each grant shall be reduced an equal percentage so the appropriation will not be exceeded."

2. Page 1, lines 18 and 19.
Following: "grant"
Strike: "when the following conditions occur,"

3. Page 1, line 19.
Following: "report"
Insert: "by July 31, for the previous fiscal year."
Following: "stating"
Insert: "that the following conditions have occurred or will occur"

4. Page 1, line 22.
Following: "budget"
Insert: ", because of unanticipated costs arising from extraordinary activity in the civil or criminal operations of the district court which exceed the amount of money derived, budgeted and spent, above the mill levy specified in Section 7-6-2511, MCA"

5. Page 2, line 9.
Strike: "Within 10 days of receipt of the application, the"
Insert: "The"

6. Page 2, line 12.
Strike: "the grant"
Insert: "grants by August 31 for the previous fiscal year"

And, as so amended, do pass. Report adopted.

HIGHWAYS AND TRANSPORTATION (Etchart, Chairman):
SB 462, introduced bill, be amended as follows:

1. Title, line 8.
Following: "PROPERTY"
Insert: "PROVIDING AN IMMEDIATE EFFECTIVE DATE;"

2. Page 2.
Following: line 17
Insert: "Section 3. Effective date. This act is effective on passage and approval."

And, as so amended, do pass. Report adopted.

JUDICIARY (Anderson, Chairman):
SB 240, introduced bill, be amended as follows:

1. Title, lines 16 through 18.
Following: "PENALTY"
Strike: remainder of title

2. Page 34, lines 15 and 16.
Following: "Hearings" on line 15
Strike: line 15 through "process" on line 16

3. Page 34, line 24 through line 22 on page 35.
Following: "." on line 24
Strike: line 24, page 34 through "." on line 22, page 35

4. Page 35, lines 23 through 25.
Following: "by" on line 23
Strike: line 23 through "under" on line 25
Following: "4" on line 25
Insert: "and Title 33, chapter 1, part 7"

5. Page 36, lines 1 through 11.
Strike: subsection (4) in its entirety

6. Page 37, line 3.
Following: "findings"
Insert: "and conclusions"

7. Page 37, line 4.
Following: "cause"
Insert: "them"

8. Page 37, lines 5 through 9.
Following: "organization" on line 5
Strike: line 5 through "] " on line 9
Insert: "as provided by law"

9. Page 37, line 19.
Following: "violated"
Insert: ", in the manner provided by law for service of agency orders"

10. Page 37, line 20 through line 5 on page 38.
Strike: subsection (3) in its entirety

11. Page 38, line 6.
Following: "20."
Strike: "Penalties"
Insert: "Civil penalties"

12. Page 38, line 10.
Following: "a"
Insert: "civil"

13. Page 38, line 18.
Following: "a"
Strike: "fine"
Insert: "civil penalty"

14. Page 38, line 20.
Following: "a"
Strike: "fine"
Insert: "civil penalty"

15. Page 39, line 4 through line 2 on page 41.
Following: "commissioner" on line 4
Strike: line 4 through "state" on line 2, page 41
Insert: "as provided by 33-1-711"

16. Page 43, lines 3 through 5.
Strike: Section 27 in its entirety
Renumber: subsequent section

And, as so amended, do pass. Report adopted.

LOCAL GOVERNMENT (McCallum, Chairman):
SB 131, introduced bill, be amended as follows:

1. Title, lines 4 through 6.
Following: "REQUIRE"
Strike: "LOCAL SUBDIVISION REGULATIONS TO REQUIRE SUBDIVIDERS TO CONSTRUCT AND MAINTAIN FENCES AROUND SUBDIVISIONS IN"
Insert: "THE CONSTRUCTION AND MAINTENANCE OF FENCES AROUND IMPROVED REAL PROPERTY ADJACENT TO"

2. Title, line 8.
Following: "PROPERTY,"
Strike: the remainder of line 8
Insert: "."

3. Pages 1 and 2.
Following: line 10 on page 1
Strike: all of the bill following the enacting clause
Insert: "Section 1. Fencing of improved real property adjacent to agricultural land or a municipality. A person who possesses and who constructs or uses any improvements upon real property that was, prior to such improvements, classified as agricultural land for tax purposes and is also adjacent to land that is classified and used as agricultural land or that is adjacent to the boundary of an incorporated city or town is responsible for constructing and maintaining a legal fence encompassing his improved real property. If that person fails to construct or maintain such a fence, his failure is a defense against the claim of any person for damages to such improved real property caused by trespassing livestock."

And, as so amended, do pass. Report adopted.

STATE ADMINISTRATION (Story, Chairman):
SB 109, introduced bill, be amended as follows:

1. Title, line 11.

Following: "2"
Strike: ","
Insert: "AND"
Following: "11"
Strike: ", AND 14"

2. Page 1, line 16 through page 7, line 3.
Following: line 15
Strike: line 16, page 1 through line 3, page 7, in its entirety
Insert: "Section 1. Section 2 of Initiative 85, is amended to read:

"Section 2. Section 5-7-102, MCA, is amended to read:

"5-7-102. Definitions. The following definitions apply in this chapter:

(1) "Individual" means a human being.

(2) "Person" means an individual, corporation, association, firm, partnership, state or local government or subdivision thereof, INCLUDING ITS OFFICER AND EMPLOYEES, or other organization or group of persons.

(3) "Public official" means any individual, elected or appointed, acting in his official capacity for the state or local government or any political subdivision thereof, but does not include those acting in a judicial or quasi-judicial capacity.

(4) "Lobbying" includes:

(a) the practice of promoting or opposing the introduction, AMENDMENT, or enactment of legislation before the legislature or the members thereof by any person other than a member of the legislature ~~or a public official acting in his official capacity~~; and

(b) the practice of promoting or opposing ~~official action by any public official in the event~~ THE TAKING OF AN OFFICIAL ACTION OR ATTEMPTING TO INFLUENCE THE CONTENT OF A PROPOSED OFFICIAL ACTION THROUGH DIRECT COMMUNICATION WITH A PUBLIC OFFICIAL PARTICIPATING IN TAKING THE ACTION, IF:

(i) OTHER THAN BY A PERSON WHO DOES SO BECAUSE HE IS EMPLOYED IN, ELECTED TO, OR APPOINTED TO A GOVERNMENT POSITION IN WHICH THE RESPONSIBILITY TO PARTICIPATE IN THE DECISION OR ADVISE THE DECISIONMAKER INHERES BY LAW; AND

(ii) the person engaged in such practice expends $1,000 per calendar year or more exclusive of personal travel and living expenses.

(5) (a) "Lobbyist" means any person who engages in the practice of lobbying for hire.

(b) "Lobbyist" does not include:

(i) any individual Montana citizen acting solely on his/her own behalf, or

(ii) any individual working for the same principal as a licensed lobbyist, such individual having no personal contact INVOLVING LOBBYING with any public official on behalf of his/her principal.

(c) "Lobbyist" specifically includes any public official, public employee, independent contractor, attorney, or other agent who

engages in lobbying on behalf of any state ~~or local governmental entity or subdivision thereof~~ AGENCY. FOR THIS PURPOSE, LOBBYING INCLUDES ONLY THAT CONTACT WITH A PERSON THAT IS PRIMARILY AIMED AT INFLUENCING LEGISLATION.

~~(c)~~(d) Nothing in this section deprives any citizen not lobbying for hire of the constitutional right to communicate with public officials.

(6) "Lobbying for hire" includes activities of any officers, agents, attorneys, or employees of any principal who are paid, reimbursed or retained by such principal and whose duties include lobbying. When an individual is reimbursed only for his personal living and travel expenses, which together do not exceed $1,000 per calendar year, that individual shall not be considered to be lobbying for hire.

(7) "Unprofessional conduct" means:

(a) a violation of any of the provisions of this chapter;

(b) instigating action by any public official for the purpose of obtaining employment in opposition thereto;

(c) attempting to influence the action of any public official on any measure pending or to be proposed by;

(i) the promise of support or opposition at any future election,

(ii) promise of financial support,

(iii) making public any unsubstantiated charges of improper conduct on the part of any other lobbyist, any principal, or any legislator,

(iv) any improper economic reprisal or other unlawful retaliation against any public official, or

(v) any means other than argument on the merits thereof;

(d) attempting to influence a decision or vote by a hearing examiner or quasi-judicial officer in any contested case proceeding under ~~Part 6, Chapter 4,~~ Title 2, CHAPTER 4, PART 6, MCA, except as provided therein;

(e) attempting to knowingly deceive any public official with regard to the pertinent facts of an official matter or attempt to knowingly misrepresent pertinent facts of an official matter to any public official; or

(f) engaging in practices which reflect discredit on the practice of lobbying.

(8) "Principal" means any person who makes payments in excess of $1,000 per calendar year for any of the following:

(a) to engage a lobbyist, or

(b) in the case of a person other than an individual, to solicit, directly, indirectly, or by an advertising campaign, the lobbying efforts of another person.

(9) "Docket" means the register and reports of lobbyists and principals maintained by the commissioner pursuant to 5-7-201.

(10) "Payment" means distribution, transfer, loan, advance, deposit, gift, or other rendering made or to be made of money, property, or anything of value.

(11) "Payment to influence official action" means any of the following types of payment:

(a) direct or indirect payment to a lobbyist by a principal, as salary, fee, or compensation for expenses or for any other purpose;

(b) payment in support of or assistance to a lobbyist or lobbying activities, including, but not limited to, the direct payment of expenses incurred at the request or suggestion of the lobbyist.

(12) "Business" means any holding or interest whose fair market value is greater than $1,000, in any corporation, partnership, sole proprietorship, firm, enterprise, franchise, association, self-employed individual, holding company, joint-stock company, receivership, trust or other entity or property held in anticipation of profit, but does not include nonprofit organizations.

(13) "Commissioner" means the commissioner of campaign finances and practices, created by 13-37-102, renamed in [Section 19] the commissioner of political practices.

(14) "Elected official" means a public official holding a state office filled by a statewide vote of all the electors of Montana or a state district office, including, but not limited to legislators, public service commissioners and district court judges. The term "official-elect" shall also apply only to such offices."""

3. Page 7, line 11.
Following: "made"
Strike: "solely"

4. Page 8, line 23.
Following: "matters"
Insert: "except that the cost of such printed communications distributed to the membership of a principal other than a state agency need not be reported unless over one-half of that printed communication is devoted to lobbying matters"

5. Page 8, line 25.
Following: "urged"
Insert: "by the sponsors"

6. Page 9, lines 1 and 2.
Following: "legislators"
Strike: "or at which lobbying matters are otherwise considered"
Insert: "on a matter discussed at the meeting"

7. Page 9, line 11.
Following: "telegraph;"
Strike: "and"

8. Page 9, lines 12 and 13.
Following: "expenses;"
Insert: "and (xii) grants, of a portion is used for lobbying."

9. Page 9, line 25.
Following: "~~$250~~"
Strike: "$25"
Insert: "$250"

10. Page 10, line 24.
Following: "budget"
Insert: ";"
Following: "or"
Insert: "(b)"

11. Page 10, line 25.
Following: "budget"
Strike: ";"

12. Page 11, line 1.
Following: page 10
Strike: "(b)"

13. Page 11, line 5.
Following: "disclose"
Insert: "by general categories"

14. Page 11, lines 6 through 14.
Following: line 5
Strike: line 6 through line 14 in their entirety

And, as so amended, do pass. Report adopted.

TAXATION (Goodover, Chairman):
SB 17, introduced bill, be amended as follows:

1. Page 1, line 16.
Following: "protest"
Insert: "that may be appealed to a county or state tax appeal board"

2. Page 2, line 1.
Following: "appeal"
Strike: "board may not issue a"
Insert: "board's"

3. Page 2, line 2.
Following: line 1
Insert: "issued"
Following: "(1)"
Strike: "above if"
Insert: "shall be held in abeyance"

4. Page 2, line 3.
Following: "(a)"
Insert: "until"

5. Page 2, line 4.
Following: "has"
Strike: "not"

6. Page 2, line 5.
Following: "(b)"
Insert: "if"

7. Page 2, line 9.
Following: "(1)"
Insert: "(a)"

8. Page 3, lines 5 through 8.
Strike: subsection (2) in its entirety

9. Page 3, line 9.
Following: "(2)"

Strike: "(3)"
Insert: "(b)"

10. Page 3, line 14.
Following: "(3)"
Strike: "(4)"
Insert: "(c)"

11. Page 3, line 22.
Following: "(4)"
Strike: "(5)"
Insert: "(d)"

12. Page 4, line 4.
Following: "funds."
Insert: "(2) Upon the entering of judgment under [section 2], the county commissioners of the affected county shall order a refund of such portion of the taxes or license fees as the state tax appeal board has judged should be refunded."

13. Page 4, line 23.
Following: "the"
Insert: "administrative"

14. Page 5, line 24.
Following: "unlawful"
Insert: "by the state tax appeal board"

15. Page 5, line 25.
Following: line 24
Strike: "may also"
Insert: "need not"

16. Page 5, line 25.
Following: "be paid"
Strike: "under written protest"

17. Page 6, line 6.
Following: "him"
Insert: "or the right of the taxing authority to collect a subsequent installment not paid by the taxpayer plus interest from the date the subsequent installment was due"

18. Page 6, line 8.
Following: "protest"
Insert: "to a county or municipality"

19. Page 7, line 6.
Following: "from"
Strike: "a"
Insert: "the"
Following: "district"
Insert: "or supreme"
Following: "court"
Insert: ", as appropriate,"

And, as so amended, do pass. Report adopted.

SB 461, introduced bill, be amended as follows:

1. Title, line 9.
Following: "THAN"
Strike: "130"

Insert: "133"

2. Title, line 10.
Following: "16-4-202"
Insert: "AND"

3. Title, line 11.
Following: "16-4-204,"
Strike: "AND 16-4-501,"

4. Page 4, line 7.
Following: "~~25%~~"
Strike: "30%"
Insert: "25%"

5. Page 4, line 10.
Following: "~~25%~~"
Strike: "30%"
Insert: "33%"

6. Page 5, line 3.
Following: line 2
Strike: subsection (c) in its entirety
Renumber: subsequent subsection

7. Page 7, line 9.
Following: line 8
Strike: Section 2 in its entirety

And, as so amended, do pass. Report adopted.

STATE ADMINISTRATION (Story, Chairman):
SJR 8, introduced bill, be amended as follows:

1. Title, line 7.
Following: "GOVERNMENT"
Insert: "IN NATURAL RESOURCE AND ENVIRONMENTAL SCIENCE AREAS"

2. Page 1, line 22.
Following: line 21
Insert: "WHEREAS, the Legislature is, in particular, interested in the use of grants and contracted services of the renewable and non-renewable natural resource and environmental science programs of the following agencies:

(1) department of fish, wildlife, and parks;

(2) department of natural resources and conservation;

(3) coal board; and

(4) environmental sciences division of the department of health and environmental sciences."

3. Page 1, line 25.
Following: line 24
Insert: "(1)"

4. Page 2, line 2.
Following: "services"
Strike: "by state government, including compiling"
Insert: "of the following state agencies:

(a) department of fish, wildlife, and parks;

(b) department of natural resources and conservation;

(c) coal board; and

(d) environmental sciences division of the department of health and environmental sciences.

(2) That the committee include in its study a consideration of at least the following:

(a) source of funds for grants and contracted services;

(b) statutory or other conditions attached to the use of those funds;

(c) manner of distributing the funds, if other than as prescribed;

(d) method and degree of monitoring and reporting;

(e) utilization by and benefit to the state of the results; and

(f) alternative methods of accomplishing the purpose of the granting or contracting agency.

(3) That the committee report include"

5. Page 2, line 6.
Following: line 5
Strike: "BE IT FURTHER RESOLVED, that"
Insert: "(4) That"

6. Page 2, line 7.
Following: "Legislature"
Insert: ", specifically including its findings under (2) above,"

7. Page 2, line 9.
Following: line 8
Insert: "(5) That the legislative council shall assign the portions of this study involving renewable resource, renewable energy, and other portions within jurisdiction of revenue oversight committee to that committee."

And, as so amended, do pass. Report adopted.

FINANCE AND CLAIMS (Himsl, Chairman):
SB 373, do not pass.

Thereupon, the Adverse Committee Report was adopted by the following roll call vote:

Ayes: Aklestad, Anderson, Boylan, B. Brown, Crippen, Dover, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, McCallum, Nelson, Ochsner, O'Hara, Olson, Smith, Stephens, Stimatz, Thomas, Tveit, Van Valkenburg, Mr. President.
Total 34

Noes: Berg, S. Brown, Eck, Halligan, Mazurek, Norman, Regan, Ryan, Towe.
Total 9

Excused: Conover, Manning.
Total 2

Absent or not voting: Blaylock, Elliott, Manley, Severson, Story.

Total 5

HIGHWAYS AND TRANSPORTATION (Etchart, Chairman):
SB 471, do not pass.

Thereupon, the Adverse Committee Report was adopted by the following roll call vote:

Ayes: Aklestad, Anderson, Berg, Boylan, B. Brown, Crippen, Dover, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Hager, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Severson, Smith, Stephens, Stimatz, Towe, Tveit, Mr. President.
Total 38

Noes: S. Brown, Eck, Haffey, Halligan, Mazurek, Ryan, Thomas, Van Valkenburg.
Total 8

Excused: Conover, Manning.
Total 2

Absent or not voting: Blaylock, Story.
Total 2

SB 472, do not pass.

Thereupon, the Adverse Committee Report was adopted by the following roll call vote:

Ayes: Aklestad, Anderson, Boylan, B. Brown, Crippen, Dover, Elliott, Etchart, Galt, Goodover, Graham, Hager, Hammond, Hazelbaker, Healy, Himsl, Johnson, Keating, Kolstad, Lee, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Severson, Smith, Stephens, Stimatz, Towe, Tveit, Mr. President.
Total 33

Noes: Berg, S. Brown, Eck, Haffey, Halligan, Jacobson, Regan, Ryan, Thomas, Van Valkenburg.
Total 10

Excused: Conover, Manning.
Total 2

Absent or not voting: Blaylock, Hafferman, Manley, Mazurek, Story.
Total 5

SB 473, do not pass.

Thereupon, the Adverse Committee Report was adopted by the following roll call vote:

Ayes: Aklestad, Anderson, Boylan, B. Brown, Crippen, Dover, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Hager, Hammond, Hazelbaker, Healy, Himsl, Johnson, Keating, Kolstad, Lee, Manley, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Severson, Smith, Stephens, Stimatz, Towe, Tveit, Mr. President.
Total 36

Noes: Berg, S. Brown, Eck, Haffey, Halligan, Jacobson, Mazurek, Ryan, Thomas, Van Valkenburg.
Total 10

Excused: Conover, Manning.

Total 2

Absent or not voting: Blaylock, Story.
Total 2

LOCAL GOVERNMENT (McCallum, Chairman):
SB 121, do not pass.

Thereupon, the Adverse Committee Report was adopted by the following roll call vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, Crippen, Dover, Eck, Elliott, Etchart, Goodover, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Manley, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Severson, Smith, Stephens, Stimatz, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 40

Noes: S. Brown, Galt, Graham, Hafferman, Kolstad, Lee, Ryan.
Total 7

Excused: Conover, Manning.
Total 2

Absent or not voting: Story.
Total 1

SB 177, do not pass.

Thereupon, the Adverse Committee Report was adopted by the following roll call vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Himsl, Jacobson, Johnson, Keating, Manley, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 42

Noes: Hafferman, Healy, Kolstad, Lee, Ryan.
Total 5

Excused: Conover, Manning.
Total 2

Absent or not voting: Hazelbaker.
Total 1

SB 465, do not pass.

Thereupon, the Adverse Committee Report was adopted by the following roll call vote:

Ayes: Aklestad, Anderson, Boylan, B. Brown, Crippen, Dover, Elliott, Etchart, Galt, Goodover, Graham, Hager, Hammond, Hazelbaker, Himsl, Johnson, Keating, Kolstad, Lee, Manley, Mazurek, McCallum, O'Hara, Olson, Severson, Smith, Stephens, Stimatz, Story, Thomas, Tveit, Van Valkenburg, Mr. President.
Total 33

Noes: Berg, Blaylock, S. Brown, Conover, Eck, Hafferman, Haffey, Halligan, Healy, Jacobson, Nelson, Norman, Ochsner, Regan, Ryan, Towe.

Total 16

Excused: Manning.
Total 1

Absent or not voting: None.
Total 0

(Including the following pair: Stephens, aye - Conover, no.)

NATURAL RESOURCES (Dover, Chairman):
SB 482, do not pass.

Thereupon, the Adverse Committee Report was adopted by the following roll call vote:

Ayes: Aklestad, Anderson, Boylan, S. Brown, Crippen, Dover, Elliott, Etchart, Galt, Goodover, Graham, Hager, Hammond, Hazelbaker, Himsl, Johnson, Keating, Kolstad, Lee, Manley, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Ryan, Severson, Smith, Stephens, Story, Thomas, Tveit, Mr. President.
Total 35

Noes: Berg, Blaylock, Eck, Hafferman, Haffey, Halligan, Healy, Jacobson, Regan, Stimatz, Towe, Van Valkenburg.
Total 12

Excused: Conover, Manning.
Total 2

Absent or not voting: B. Brown.
Total 1

PUBLIC HEALTH, WELFARE AND SAFETY (Hager, Chairman):
SB 332, do not pass.

Thereupon, the Adverse Committee Report was adopted by the following roll call vote:

Ayes: Aklestad, Berg, Blaylock, Boylan, B. Brown, Crippen, Dover, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 43

Noes: Anderson, S. Brown, Eck, Mazurek, Ryan.
Total 5

Excused: Conover, Manning.
Total 2

Absent or not voting: None.
Total 0

SB 348, do not pass.

Thereupon, the Adverse Committee Report was adopted by the following roll call vote:

Ayes: Aklestad, Berg, Blaylock, Boylan, B. Brown, S. Brown, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson Keating, Kolstad, Lee, Manley, Mazurek, Nelson, Norman, O'Hara, Olson

Regan, Severson, Smith, Stephens, Stimatz, Story, Towe, Tveit, Van Valkenburg, Mr. President.
Total 43

Noes: Anderson, Ochsner, Ryan, Thomas.
Total 4

Excused: Conover, Manning.
Total 2

Absent or not voting: McCallum.
Total 1

SB 388, do not pass.

Thereupon, the Adverse Committee Report was adopted by the following roll call vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Stephens, Stimatz, Story, Thomas, Tveit, Van Valkenburg, Mr. President.
Total 43

Noes: S. Brown, Healy, Himsl, Smith, Towe.
Total 5

Excused: Conover, Manning.
Total 2

Absent or not voting: None.
Total 0

SB 425, do not pass.

Thereupon, the Adverse Committee Report was adopted by the following roll call vote:

Ayes: Aklestad, Anderson, Boylan, B. Brown, Crippen, Dover, Elliott, Etchart, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Mazurek, Nelson, Norman, Ochsner, O'Hara, Olson, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Tveit, Van Valkenburg, Mr. President.
Total 38

Noes: Berg, Blaylock, S. Brown, Eck, Hafferman, Healy, Himsl, Regan, Towe.
Total 9

Excused: Conover, Manning.
Total 2

Absent or not voting: McCallum.
Total 1

SB 453, do not pass.

Thereupon, the Adverse Committee Report was adopted by the following roll call vote:

Ayes: Aklestad, Anderson, Blaylock, Boylan, B. Brown, Crippen, Dover, Elliott, Etchart, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Jacobson, Johnson, Keating, Kolstad, Lee,

Manley, Mazurek, Nelson, Norman, Ochsner, O'Hara, Olson, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 41

Noes: Berg, S. Brown, Eck, Hafferman, Himsl, Regan.
Total 6

Excused: Conover, Manning.
Total 2

Absent or not voting: McCallum.
Total 1

SB 480, do not pass.

Thereupon, the Adverse Committee Report was adopted by the following roll call vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Dover, Elliott, Etchart, Galt, Goodover, Graham, Hager, Halligan, Hammond, Hazelbaker, Himsl, Johnson, Keating, Kolstad, Lee, Manley, Mazurek, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Severson, Smith, Stephens, Story, Thomas, Tveit, Van Valkenburg, Mr. President.
Total 38

Noes: Crippen, Eck, Hafferman, Haffey, Healy, Jacobson, Ryan, Stimatz, Towe.
Total 9

Excused: Conover, Manning.
Total 2

Absent or not voting: McCallum.
Total 1

SJR 3, do not pass.

Thereupon, the Adverse Committee Report was adopted by the following roll call vote:

Ayes: Aklestad, Anderson, Berg, Boylan, B. Brown, Crippen, Dover, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Johnson, Keating, Kolstad, Lee, Manley, Mazurek, Nelson, Norman, Ochsner, O'Hara, Olson, Severson, Smith, Stephens, Story, Thomas, Tveit, Van Valkenburg, Mr. President.
Total 38

Noes: Blaylock, S. Brown, Eck, Healy, Jacobson, Regan, Ryan, Stimatz, Towe.
Total 9

Excused: Conover, Manning.
Total 2

Absent or not voting: McCallum.
Total 1

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following House Bills were on 2/20/81, passed and transmitted to the Senate for concurrence:

House Bill No. 375, introduced by Anderson (95-2)

House Bill No. 562, introduced by Thoft (99-0)

House Bill No. 610, introduced by Anderson (59-41)

House Bill No. 611, introduced by Anderson (58-42)

House Bill No. 618, introduced by Williams (99-0)

House Bill No. 636, introduced by Feda (75-25)

House Bill No. 656, introduced by Hannah (74-26)

House Bill No. 657, introduced by Underdal (55-44)

House Bill No. 681, introduced by Sivertsen (100-0)

The following House Joint Resolutions were on 2/20/81, passed and transmitted to the Senate for concurrence:

House Joint Resolution No. 17, introduced by Ellerd (98-0)

House Joint Resolution No. 21, introduced by Seifert (60-39)

MOTIONS

Senator Story moved that the Senate reconsider its action taken on the adoption of an Adverse Committee Report on Senate Bill No. 480 this Legislative Day and that it be printed and placed on Second Reading. Motion passed by the following vote:

Ayes: Anderson, Boylan, B. Brown, Crippen, Dover, Elliott, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Hammond, Healy, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, McCallum, Nelson, Ochsner, O'Hara, Ryan, Severson, Smith, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 35

Noes: Aklestad, Berg, Blaylock, S. Brown, Eck, Etchart, Halligan, Hazelbaker, Himsl, Mazurek, Norman, Olson, Regan, Stephens.
Total 14

Excused: None.
Total 0

Absent or not voting: Conover.
Total 1

Senator Halligan moved that the Senate reconsider its action taken on the adoption of an Adverse Committee Report on Senate Bill No. 378 and that it be printed and placed on Second Reading. Motion failed by the following vote:

Ayes: Berg, Blaylock, Boylan, S. Brown, Eck, Graham, Haffey, Halligan, Healy, Jacobson, Johnson, Lee, Mazurek, Norman, O'Hara, Regan, Ryan, Stimatz, Thomas, Towe, Van Valkenburg.
Total 21

Noes: Aklestad, Anderson, B. Brown, Crippen, Dover, Elliott, Etchart, Galt, Goodover, Hager, Hammond, Hazelbaker, Himsl, Keating, Kolstad, Manley, Manning, McCallum, Nelson, Ochsner, Olson, Severson, Smith, Stephens, Story, Tveit, Mr. President.
Total 27

Excused: None.
Total 0

Absent or not voting: Conover, Hafferman.
Total 2

Senator Ochsner moved that the Senate reconsider its action taken on the adoption of an Adverse Committee Report on Senate Bill No. 465 this Legislative Day and that it be printed and placed on Second Reading. Motion passed by the following vote:

Ayes: Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Hafferman, Haffey, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 44

Noes: Stephens.
Total 1

Excused: None.
Total 0

Absent or not voting: Aklestad, Anderson, Graham, Hager, Manley.
Total 5

(Including the following pair: Conover, aye - Stephens, no.)

At the request of the President, and without objection, the Senate reverted to Order of Business No. 4.

MESSAGES FROM THE GOVERNOR

February 20, 1981

The Honorable Jean A. Turnage
President of the Senate
Montana Senate
State Capitol
Helena, Montana 59620

Dear Mr. President:

This is to inform you that I have signed the following measure this date:

Senate Bill No. 157.

Sincerely,

TED SCHWINDEN
Governor

February 20, 1981

The Honorable Jean A. Turnage
President, Montana State Senate
State Capitol
Helena, Montana 59620

Dear President Turnage:

I respectfully submit to the Senate the name of Michael J. Kennedy for confirmation as a member of the Montana Board of Housing in accordance with Sections 2-15-124 and 2-15-1008, for a term ending January 7, 1985.

Sincerely,

TED SCHWINDEN
Governor

February 20, 1981

The Honorable Jean Turnage
President, Montana State Senate
State Capitol
Helena, Montana 59620

Dear Senator Turnage:

I respectfully submit to the Montana Senate the following appointments:

As members of the Highway Commission, in accordance with Sections 2-15-2502 and 2-15-124:

Paul M. Foster, Billings, appointed for a term ending January 7, 1985.

Ilert Hellebust, Havre, appointed for a term ending January 7, 1985.

John Sullivan, Livingston, appointed for a term ending January 7, 1985.

As members of the Board of Public Education, in accordance with Article X, Section 9 of the Montana Constitution and Sections 2-15-1507 and 2-15-1508:

Arthur R. Schauer, Libby, appointed for a term ending February 1, 1988.

Marjorie W. King, Winnett, reappointed for a term ending February 1, 1988.

As members of the Board of Milk Control, in accordance with Sections 2-15-1802 and 2-15-124:

Kenneth Mortag, Cascade, reappointed for a term ending January 7, 1985.

Bobbye W. Johnson, reappointed for a term ending January 7, 1985.

Evelyn Itcaina, Dodson, appointed for a term ending January 7, 1985.

Sincerely,

TED SCHWINDEN
Governor

FIRST READING OF BILLS

The following House bills were introduced, read first time and referred to committees:

HB 375, introduced by Anderson, Gould, Harp, Jacobsen, Neuman, S. Brown, Hazelbaker, Lee. Referred to Committee on Local Government.

HB 562, introduced by Thoft. Referred to Committee on Local Government.

HB 610, introduced by R. Anderson, B. Brown, Marks, Fabrega, Iverson, Moore, Harp, Hammond, McCallum, Nordtvedt, Kessler, J. O'Hara, E. Smith, Eck, Meyer, Vincent, Eudaily, Donaldson, Bengtson, Hemstad, Regan, Dussault, Keyser, Keedy, Roth, Thoft, Van Valkenburg, R. Manning, Schultz, Ochsner, Sales, M. Anderson, Hager, Ellerd, Conn, Thomas, Mazurek, Jacobson, Severson, Stimatz, Briggs, Shelden, Waldron, Ernst, Matsko, Spilker, Phillips, Fagg, Healy, Haffey. Referred to Committee on Finance and Claims.

HB 611, introduced by R. Anderson, B. Brown, Marks, Thoft, Mazurek, Eck, Kessler, Harp, J. O'Hara, Hammond, Iverson, Moore, Van Valkenburg, Meyer, Fabrega, Eudaily, Donaldson, Bengtson, Hemstad, Regan, Dussault, Vincent, Keyser, Keedy, Roth, Sales, R. Manning, Briggs, Ellerd, Curtiss, Hager, Shelden, Thomas, Nordtvedt, E. Smith, Matsko, Wallin, Stimatz, Jacobson, Ochsner, Severson, Phillips, McCallum, Ernst, Spilker, Fagg, Conn, Towe, Haffey, Healy. Referred to Committee on Finance and Claims.

HB 618, introduced by Williams, Schultz, Donaldson, Menahan, Meyer, E. Smith, McLane, Asay, McCallum, Ochsner, Tveit, Thomas, Conover, Hammond. Referred to Committee on Education and Cultural Resources.

HB 636, introduced by Feda, Wallin, Ernst, Hurwitz, Pavlovich, Winslow, Dozier, Stobie, Zabrocki, Briggs, Hemstad, Vinger, Abrams, Stimatz, Donaldson, Ryan, Kitselman, Cozzens, D. O'Hara, Underdal, Manuel, Daily, Hannah, Kanduch, (By Request of the Department of Professional and Occupational Licensing). Referred to Committee on State Administration.

HB 656, introduced by Hannah, Burnett, Winslow, D. O'Hara, Moore, Gould, Curtiss, Lund, Keyser, Keedy, Feda, Spilker, Iverson, Cozzens, Stobie, Daily, Robbins, Matsko, McLane. Referred to Committee on Judiciary.

HB 657, introduced by Underdal, Winslow, Stobie, Lund, D. O'Hara, Moore, Hurwitz, Briggs, Curtiss, Burnett, Andreason, Hannah, Lee, Feda, Ryan, Jensen, Ellison, Devlin, Schultz, Cozzens, Spilker, Roth, Switzer, C. Smith, Phillips, Hemstad, Matsko, Sivertsen, Harp, Keyser, Iverson, Ernst, Wallin, Asay, Conroy, McLane, Thoft, Seifert, Nordtvedt, Ellerd, Zabrocki, Hager, Galt, Aklestad, Kanduch, Kropp, Roush, Kolstad, Olson, Shontz, Hanson, Mueller, Goodover, Hazelbaker. Referred to Committee on State Administration.

HB 681, introduced by Sivertsen, Keyser, Marks, Graham, Kropp, Menahan. Referred to Committee on Highways and Transportation.

The following House Joint Resolutions were introduced, read first time and referred to committees:

HJR 17, introduced by Ellerd, Conroy, Sivertsen, Sales. Referred to Committee on Agriculture, Livestock and Irrigation.

HJR 21, introduced by Seifert, Harp, Kanduch, Pavlovich, Quilici, Ellison, Briggs, Manuel, Conroy, Hemstad, Boylan, Burnett, Zabrocki, Graham, Vinger, Ryan. Referred to Committee on Public Health, Welfare and Safety.

Senator Manning entered the Senate Chamber.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

Senate Bill No. 138 was passed by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Thomas, Towe, Tveit, Van Valkenburg, Mr. President. Total 48

Noes: None.

Total 0

Excused: Conover.
Total 1

Absent or not voting: Story.
Total 1

Senate Bill No. 139 was passed by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Conover.
Total 1

Absent or not voting: Story.
Total 1

Senate Bill No. 140 was passed by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Conover.
Total 1

Absent or not voting: None.
Total 0

Senate Bill No. 163 was passed by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Dover, Eck, Etchart, Galt, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Kolstad, Lee, Manning, Mazurek, Norman, Ochsner, O'Hara, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 39

Noes: Crippen, Elliott, Goodover, Johnson, Keating, Manley, McCallum, Nelson, Olson, Story.
Total 10

Excused: Conover.
Total 1

Absent or not voting: None.

Total 0

Senate Bill No. 448 was passed by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Conover.
Total 1

Absent or not voting: None.
Total 0

House Bill No. 519 was concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, B. Brown, S. Brown, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 46

Noes: Boylan, Manley, Ryan.
Total 3

Excused: Conover.
Total 1

Absent or not voting: None.
Total 0

At the request of the President, and without objection, the Senate reverted to Order of Business No. 8.

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Halligan in the Chair.

Senate resumed. President Turnage in the Chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on Second Reading, recommend as follows:

That Senate Bill No. 290 pass consideration. Unanimously passed.

That Senate Bill No. 385 be amended. Motion failed by the following vote:

Ayes: Berg, Blaylock, Boylan, Eck, Haffey, Healy, Jacobson, Mazurek, Norman, Regan, Stimatz, Towe, Van Valkenburg.
Total 13

Noes: Aklestad, Anderson, B. Brown, S. Brown, Crippen, Dover, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Hammond, Hazelbaker,

Himsl, Johnson, Keating, Kolstad, Lee, Manley, McCallum, Nelson, Ochsner, O'Hara, Olson, Ryan, Severson, Smith, Stephens, Story, Thomas, Tveit, Mr. President.
Total 33

Excused: None.
Total 0

Absent or not voting: Conover, Hager, Halligan, Manning.
Total 4

That Senate Bill No. 385 do pass by the following vote:

Ayes: Aklestad, Anderson, Boylan, B. Brown, S. Brown, Crippen, Dover, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Hammond, Hazelbaker, Himsl, Johnson, Keating, Kolstad, Lee, Manley, Mazurek, McCallum, Nelson, Ochsner, O'Hara, Olson, Ryan, Severson, Smith, Stephens, Story, Thomas, Tveit, Mr. President.
Total 35

Noes: Berg, Blaylock, Eck, Haffey, Hager, Healy, Jacobson, Norman, Regan, Stimatz, Towe, Van Valkenburg.
Total 12

Excused: None.
Total 0

Absent or not voting: Conover, Halligan, Manning.
Total 3

That Senate Bill No. 402 be amended as follows:

1. Page 3, line 6.
Following: "lenders;"
Strike: "and"

2. Page 3, line 9.
Following: "environmentalists"
Strike: "."
Insert: "; and"

3. Page 3.
Following: line 9
Insert: "(g) perform any other functions assigned by the governor or by law.

(2) The governor may reassign the functions in [this act] to any other division within the department by executive order."

Amendments passed by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Conover.

Total 1

Absent or not voting: None.
Total 0

That Senate Bill No. 402 as amended do pass. Motion failed by the following vote:

Ayes: Anderson, Berg, Blaylock, Boylan, Eck, Galt, Haffey, Hager, Halligan, Healy, Norman, Regan, Ryan, Severson, Towe, Van Valkenburg.
Total 16

Noes: Aklestad, B. Brown, S. Brown, Crippen, Dover, Elliott, Etchart, Goodover, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lee, Manley, Mazurek, McCallum, Nelson, Ochsner, O'Hara, Olson, Smith, Stephens, Stimatz, Thomas, Tveit, Mr. President.
Total 28

Excused: None.
Total 0

Absent or not voting: Conover, Graham, Hafferman, Johnson, Manning, Story.
Total 6

That Senate Bill No. 402 be indefinitely postponed. Motion carried by the following vote:

Ayes: Aklestad, B. Brown, S. Brown, Crippen, Dover, Elliott, Etchart, Goodover, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lee, Manley, Mazurek, McCallum, Nelson, Ochsner, O'Hara, Olson, Severson, Smith, Stephens, Stimatz, Thomas, Tveit, Mr. President.
Total 29

Noes: Anderson, Berg, Blaylock, Boylan, Eck, Galt, Haffey, Hager, Halligan, Healy, Norman, Ryan, Towe, Van Valkenburg.
Total 14

Excused: None.
Total 0

Absent or not voting: Conover, Graham, Hafferman, Johnson, Manning, Regan, Story.
Total 7

That the Committee rise and report and beg leave to sit again. (Halligan, Chairman)

Upon motion of Senator Halligan, duly carried, the foregoing Report of the Committee of the Whole was adopted.

At the request of the President, and without objection, the Senate reverted to Order of Business No. 6.

MOTIONS

Upon motion of Senator Stephens, duly carried, the Senate recessed.

Senate recessed at 11:33 a.m.

Senate resumed at 1:33 p.m.

At the request of the President, and without objection, the Senate reverted to Order of Business No. 2.

REPORTS OF STANDING COMMITTEES

PRINTING (O'Hara, Chairman):
Correctly printed and placed on the members' desks - SB 193, SB 207, SB 208, SB 215, SB 238, SB 246, SB 284, SB 314, SB 367, SB 370, SB 391, SB 420, SB 442, SB 450, SJR 19. Report adopted.

NATURAL RESOURCES (Dover, Chairman):
SB 327, introduced bill, be amended as follows:

1. Title, line 4.
Following: "TO"
Strike: "INCREASE"
Insert: "BROADEN"

2. Title, line 5.
Following: "THE" on line 4
Strike: "AUTHORITY OF"
Insert: "STATE POLICY WITH RESPECT TO"

3. Title, line 5.
Following: "LANDOWNERS"
Strike: "TO ALTER"
Insert: "AND ALTERATION OF"

4. Title, line 7.
Following: "75-7-102,"
Strike: "75-7-112,"

5. Title, line 8.
Following: "75-7-113,"
Strike: "75-7-115,"
Insert: "AND"

6. Title, lines 8 and 9.
Following: "87-5-501," on line 8
Strike: "AND" through "87-5-505," on lines 8 and 9

7. Pages 2 through 4.
Following: line 2 on page 2
Strike: Section 2 in its entirety
Renumber: subsequent sections

8. Page 4, line 21.
Following: "days"
Strike: "of"
Insert: "following"

9. Page 5, line 17.
Following: "~~or~~"
Insert: "a member of the team or"

10. Pages 5 and 6.
Following: line 21 on page 5
Strike: Section 4 in its entirety
Renumber: subsequent sections

11. Page 6, line 10.
Following: "~~involved~~"
Insert: "all factors involved including"

12. Pages 6 and 7.
Following: line 12 on page 6

Strike: Section 6 in its entirety
Renumber: subsequent section

13. Page 7, lines 4 and 5.
Following: line 3 on page 7
Strike: Section 7 in its entirety

And, as so amended, do pass. Report adopted.

PUBLIC HEALTH, WELFARE AND SAFETY (Hager, Chairman):
SB 129, introduced bill, be amended as follows:

1. Page 1, line 23.
Strike: "tendered"
Insert: "paid"

2. Page 1, line 24.
Strike: "written notice"
Insert: "such termination"

3. Page 1, line 25 through page 2, line 1.
Strike: line 25, page 1, in its entirety and line 1, page 2 through "coverage"

4. Page 2, line 5.
Following: "insurance,"
Insert: "if the group policy so provides,"

5. Page 2, line 6.
Following: "~~for~~"
Insert: "at the age and for the amount applied for"

6. Page 2, line 14.
Following: "~~termination,~~"
Insert: "less the amount of any life insurance for which such person is insured under any other group policy within 31 days after such termination,"

7. Page 2, line 25.
Following: "~~date~~"
Strike: the remainder of the line in its entirety
Insert: "form and amount of the individual policy, to the class of risk to which such person then belongs, and to his age attained on the effective date"

8. Page 3.
Strike: line 6 in its entirety
Insert: "during his employment notwithstanding"

9. Page 3, line 12.
Strike: "and he elects"
Insert: "for"

10. Page 3, line 22.
Following: "~~years~~"
Strike: "1 year"
Insert: "3 years"

11. Page 3, line 25.
Strike: "in the same amount of insurance and under"
Insert: "subject to"

12. Page 4, line 2.
Strike: "shall"

Insert: "may"

13. Page 4, line 3.
Following: "policy"
Strike: "shall"
Insert: "may"

14. Page 4, line 4.
Following: "~~of:~~"
Insert: "not exceed the smaller of:"

15. Page 4, line 5.
Strike: "be offered by the insurer in"
Insert: "(1)"

16. Page 4, line 11.
Following: "~~and~~"
Insert: ", less the amount of any life insurance for which he is or becomes eligible under any group policy issued or reinstated by the same or another insurer with 31 days after such termination; and"

17. Page 4, line 12.
Following: "~~$2,000~~"
Insert: "$10,000"

18. Page 4, line 13 through page 5, line 8.
Strike: Section 3 in its entirety
Renumber: subsequent sections

19. Page 5, line 11.
Following: "issued"
Insert: "or renewed after October 1, 1981"

20. Page 5, line 11.
Following: "may,"
Insert: "for a period of one year,"

21. Page 5, lines 13 and 14.
Following: "policy" on line 13
Strike: "after terminating his qualifying employment or"

22. Page 5, line 19 through page 6, line 17.
Strike: Section 5 in its entirety
Insert: "NEW SECTION. Section 4. Conversion on termination of eligibility. (1) A group disability insurance policy issued or renewed after October 1, 1981, shall contain a provision that if the insurance or any portion of it on a person, his dependents, or family members covered under the policy ceases because of termination of his employment or of his membership in the class or classes eligible for coverage under the policy, or as a result of his employer discontinuing his business, such person shall, provided he had been insured for a period of three months, be entitled to have issued to him by the insurer, without evidence of insurability, an individual policy of hospital or medical service insurance on himself, his dependents, or family members, provided application for the individual policy shall be made and the first premium tendered to the insurer within 31 days after the termination of group coverage.

(2) The individual policy, at the option of the insured, shall be on any of the forms then customarily issued by the insurer to individual policyholders with the exception of those policies whose eligibility is determined by affiliation other than by employment with a common entity.

(3) The premium on the individual policy shall be at the insurer's then customary rate applicable to the coverage of the individual policy."

23. Page 6, line 20.
Following: "issued"
Insert: "or renewed"

24. Page 6, line 21.
Following: "after"
Strike: "July"
Insert: "October"

25. Page 6, line 21.
Following: "may,"
Insert: "for a period of one year"

26. Page 6, line 23.
Following: "contract"
Strike: the remainder of line 23

27. Page 7, line 5.
Following: "contract"
Strike: "in effect"
Insert: "issued or renewed"

28. Page 7, line 6.
Strike: "July"
Insert: "October"

29. Page 7, line 10.
Following: "policy"
Insert: "or as a result of an employer discontinuing his business"

30. Page 7, line 11.
Following: "shall"
Insert: ", provided he has been insured for a period of 3 months,"

31. Page 7, lines 16, 17, and 18.
Following: "after" on line 16
Strike: all language through "pending" on line 18
Insert: "the"

32. Page 7, lines 19 and 20.
Following: "of" on line 19
Strike: "such person"
Insert: "the insured"

33. Page 7, line 21.
Following: "insurer"
Insert: "to individual policyholders with the exception of those whose eligibility is determined by their affiliation other than by employment with a particular entity"

34. Page 7, line 22.
Following: "coverage"
Insert: "such individual policies"

35. Page 7, lines 23, 24, and 25.
Strike: subsection (2) in its entirety
Renumber: subsequent subsection

36. Page 8, lines 2 and 3.

Following: "to"
Strike: "the other members of the group and"

37. Page 8, line 11.
Following: "3"
Insert: ","

38. Page 8, line 12.
Strike: "and"
Following: "4"
Insert: ", and 5"

39. Page 8, line 14.
Following: "3"
Strike: "and"
Insert: ","
Following: "4"
Insert: ", and 5"

40. Page 8, line 15.
Following: "Sections"
Strike: "5 through"
Insert: "6 and"

41. Page 8, line 17.
Following: "of"
Strike: "Title 33, chapter 22, and of"

42. Page 8, line 18.
Following: "sections"
Strike: "5 through"
Insert: "6 and"

And, as so amended, do pass. Report adopted.

MESSAGES FROM THE GOVERNOR

February 21, 1981

The Honorable Jean Turnage
President
State Senate

Dear Senator Turnage:

It is fair to say that I managed to stir up a "hornet's nest" late last year by indicating an interest in using the "old" mansion as the official residence of the governor! Much of the public discussion to date has been highly emotional. I respect and applaud strongly held convictions, but they should not be permitted to obscure some relevant facts. In this instance I am hopeful that controversy will produce beneficial results.

In mid-1980, the City of Helena transferred the "old" governors' mansion back to the state because of the financial burden on the City. That action means the State of Montana now has the responsibility of maintaining, at substantial cost, two "mansions" and a museum. Some would argue two "museums" and a mansion!

In December I asked the Board of Historical Society to assess the feasibility of using the "old" mansion as a family residence, from both a habitability and heritage perspective. Their report is attached, as are the comments received from states throughout the country.

The Department of Administration has estimated, conservatively I think, that it would cost some $65,000 to make the "old" mansion livable. The appropriation requested in the executive budget to maintain the "old" mansion in the next biennium is $71,000; over the next decade maintenance costs will certainly approach a half million dollars. One way or the other, a substantial amount of tax dollars are at stake.

Because public dollars are involved, I believe that the state should carefully, and responsibly, evaluate its options now...before inaction becomes inadvertent decision. For that reason I respectfully suggest that a bipartisan legislative committee be established to evaluate the options and make recommendations to the legislature prior to the end of this session if possible. If that time frame proves too brief, then the committee could report to the 1983 assembly.

Respectfully,

TED SCHWINDEN
Governor

MOTIONS

Senator Towe moved that the Senate reconsider its action taken on the adoption of an Adverse Committee Report on Senate Bill No. 250 and that it be printed and placed on Second Reading. Motion failed by the following vote:

Ayes: Anderson, Berg, Blaylock, S. Brown, Eck, Halligan, Healy, Jacobson, Mazurek, Norman, Regan, Ryan, Stimatz, Thomas, Towe, Van Valkenburg.
Total 16

Noes: Aklestad, Boylan, B. Brown, Crippen, Dover, Elliott, Goodover, Hager, Hammond, Hazelbaker, Himsl, Johnson, Keating, Kolstad, Lee, Manley, McCallum, Nelson, Ochsner, O'Hara, Olson, Severson, Smith, Stephens, Story, Tveit, Mr. President.
Total 27

Excused: Conover.
Total 1

Absent or not voting: Etchart, Galt, Graham, Hafferman, Haffey, Manning.
Total 6

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Halligan in the Chair.

Senate resumed. President Turnage in the Chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on Second Reading, recommend as follows:

That Senate Joint Resolution No. 20 do pass by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Crippen, Dover, Eck, Elliott, Galt, Goodover, Hafferman, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Mazurek, McCallum, Nelson, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Towe Tveit, Van Valkenburg, Mr. President.

Total 43

Noes: None.
Total 0

Excused: Conover.
Total 1

Absent or not voting: Etchart, Graham, Haffey, Manning, Norman, Thomas.
Total 6

That Senate Bill No. 33 do pass by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: Ryan.
Total 1

Excused: Conover.
Total 1

Absent or not voting: None.
Total 0

That Senate Bill No. 107 do pass by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Conover.
Total 1

Absent or not voting: None.
Total 0

That Senate Bill No. 210 do pass by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.

Total 0

Excused: Conover.
Total 1

Absent or not voting: None.
Total 0

That Senate Bill No. 276 be amended as follows:

1.Page 1, line 16.
Following: line 15
Strike: "87-1-202(2)"
Insert: "87-1-209(2)"

Amendment passed by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Conover.
Total 1

Absent or not voting: None.
Total 0

That Senate Bill No. 276, as amended, do pass by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Tveit, Van Valkenburg, Mr. President.
Total 47

Noes: S. Brown, Towe.
Total 2

Excused: Conover.
Total 1

Absent or not voting: None.
Total 0

That Senate Bill No. 287 be amended as follows:

1. Page 4, line 21 through page 5, line 3.
Insert: the stricken Section 6
Renumber: subsequent sections

2. Page 4, line 25.
Following: "~~domain~~"
Insert: ", but as to such property, the right of eminent domain was available to such person or entity and such person or entity would

have exercised the right of eminent domain had the interest acquired not been voluntary,"

3. Page 5, lines 5 and 7.
Following: "6" on both lines
Strike: "5"
Insert: "6"

Amendments passed by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Conover.
Total 1

Absent or not voting: None.
Total 0

That Senate Bill No. 287 as amended, without objection, be placed at the bottom of the board.

That Senate Bill No. 289 do pass by the following vote:

Ayes: Aklestad, Anderson, B. Brown, Crippen, Dover, Eck, Elliott, Galt, Goodover, Graham, Hafferman, Hammond, Hazelbaker, Healy, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, McCallum, Norman, Ochsner, O'Hara, Olson, Ryan, Severson, Smith, Stephens, Stimatz, Towe, Tveit, Mr. President.
Total 33

Noes: Berg, Blaylock, Halligan, Himsl, Nelson, Regan, Van Valkenburg.
Total 7

Excused: Conover.
Total 1

Absent or not voting: Boylan, S. Brown, Etchart, Haffey, Hager, Manning, Mazurek, Story, Thomas.
Total 9

That Senate Bill No. 294 be amended. Motion failed by the following vote:

Ayes: Anderson, Berg, Blaylock, B. Brown, S. Brown, Eck, Haffey, Halligan, Healy, Jacobson Mazurek, Olson, Regan, Stimatz, Thomas, Towe, Van Valkenburg.
Total 17

Noes: Aklestad, Boylan, Crippen, Dover, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Hager, Hammond, Hazelbaker, Himsl, Johnson, Keating, Kolstad, Lee, Manley, McCallum, Nelson, Norman, Ochsner, O'Hara, Ryan, Severson, Smith, Stephens, Tveit.
Total 29

Excused: Conover.
Total 1

Absent or not voting: Manning, Story, Mr. President.
Total 3

That Senate Bill No. 294 be amended as follows:

1. Title, line 8.
Following: "HEADS"
Strike: the remainder of the title

2. Page 5, lines 17 and 18.
Strike: Section 3 in its entirety

Amendments passed by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Conover.
Total 1

Absent or not voting: None.
Total 0

That Senate Bill No. 294, as amended, do pass by the following vote:

Ayes: Aklestad, Boylan, S. Brown, Crippen, Dover, Eck, Etchart, Galt, Goodover, Graham, Hafferman, Hager, Hammond, Hazelbaker, Healy, Himsl, Johnson, Keating, Kolstad, Lee, Manning, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Smith, Stephens, Stimatz, Story, Towe, Tveit.
Total 35

Noes: Anderson, Berg, Blaylock, Haffey, Halligan, Jacobson, Mazurek, Thomas, Van Valkenburg, Mr. President.
Total 10

Excused: Conover.
Total 1

Absent or not voting: B. Brown, Elliott, Manley, Severson.
Total 4

That Senate Bill No. 313 do pass. Motion failed by the following vote:

Ayes: Aklestad, Boylan, B. Brown, Crippen, Dover, Etchart, Galt, Goodover, Graham, Hager, Hammond, Himsl, Keating, Kolstad, Lee, Manley, Nelson, Ochsner, O'Hara, Olson, Severson, Smith, Story, Tveit.
Total 24

Noes: Anderson, Berg, Blaylock, S. Brown, Eck, Elliott, Hafferman, Haffey, Halligan, Hazelbaker, Healy, Jacobson, Johnson, Manning, Mazurek, McCallum, Norman, Regan, Ryan, Stephens, Stimatz, Thomas Towe, Van Valkenburg, Mr. President.

Total 25

Excused: Conover.
Total 1

Absent or not voting: None.
Total 0

That Senate Bill No. 313 be indefinitely postponed. Motion failed by the following vote:

Ayes: Anderson, Berg, Blaylock, S. Brown, Eck, Hafferman, Haffey, Halligan, Hazelbaker, Healy, Jacobson, Johnson, Manning, Mazurek, Norman, Regan, Ryan, Stephens, Stimatz, Thomas, Towe, Van Valkenburg.
Total 22

Noes: Aklestad, Boylan, B. Brown, Crippen, Dover, Elliott, Etchart, Galt, Goodover, Graham, Hager, Hammond, Himsl, Keating, Kolstad, Lee, Manley, Nelson, Ochsner, O'Hara, Olson, Severson, Smith, Story, Tveit.
Total 25

Excused: Conover.
Total 1

Absent or not voting: McCallum, Mr. President.
Total 2

That the Committee rise and report and beg leave to sit again. (Halligan, Chairman)

Upon motion of Senator Halligan, duly carried, the foregoing Report of the Committee of the Whole was adopted.

At the request of the President, and without objection, the Senate reverted to Order of Business No. 6.

MOTIONS

Upon motion of Senator Stephens, duly carried, the Senate recessed.

Senate recessed at 3:34 p.m.

Senate resumed at 3:45 p.m.

At the request of the President, and without objection, the Senate reverted to Order of Business No. 2.

REPORTS OF STANDING COMMITTEES

BILLS (O'Hara, Chairman):
Correctly engrossed - SB 325. Report adopted.

PRINTING (O'Hara, Chairman):
Correctly printed and placed on the members' desks - SB 48, SB 50, SB 155, SB 219, SB 253, SB 269, SB 272. Report adopted.

NATURAL RESOURCES (Dover, Chairman):
SB 258, introduced bill, be amended as follows:

1. Title, line 9.
Following: "LANDS"
Insert: "AND THE BOARD OF LAND COMMISSIONERS"

2. Title, lines 10 through 13.
Following: "CONSERVATION;" on line 10

Strike: "AMENDING" through "82-4-427, MCA."
Insert: "TO TRANSFER FROM THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL SCIENCES TO THE DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION THE REGULATORY FUNCTIONS RELATING TO AIR AND WATER QUALITY, PUBLIC WATER SUPPLY, SANITATION IN SUBDIVISIONS, MAJOR FACILITY SITING, SOLID WASTE, AND OTHER MISCELLANEOUS FUNCTIONS; TO TRANSFER THE BOARD OF HEALTH AND ENVIRONMENTAL SCIENCES' RULEMAKING AUTHORITY TO THE BOARD OF NATURAL RESOURCES AND CONSERVATION; TO TRANSFER THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL SCIENCES' RULEMAKING AUTHORITY TO THE DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION; TO TRANSFER THE BOARD OF HEALTH AND ENVIRONMENTAL SCIENCES' CONTESTED CASE AUTHORITY TO THE DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION; TO REQUIRE THAT THE MEMBERSHIP OF THE BOARD OF NATURAL RESOURCES INCLUDE ONE ENGINEER AND ONE MEDICAL DOCTOR; TO GENERALLY REVISE THE LAWS TO CONFORM TO THE TRANSFER; REPEALING SECTION 75-5-502, MCA, AND PROVIDING EFFECTIVE DATES."

3. Page 22, line 12.
Following: line 11
Insert: "Section 18. Board of health and environmental sciences — functions transferred to board of natural resources and conservation. (1) The following functions of the board of health and environmental sciences are transferred to the board of natural resources and conservation:

(a) those rulemaking functions specified in 75-2-201 through 75-2-204, 75-2-301, and 75-2-428 relating to air quality, including classifying air contaminant sources, setting emission levels, and approving local air pollution control programs;

(b) those rulemaking functions specified in 75-5-201, 75-5-301 through 75-5-305, 75-5-307, and 75-5-401 relating to water quality, including adopting classifications and standards for state waters and setting standards of performance; and

(c) the rulemaking functions specified in 75-10-106 and 75-10-111 relating to management of material recycling.

(2) Unless inconsistent with this act, any reference in the sections listed in subsection (1) and in 75-2-103, 75-2-105, 75-2-422, 75-5-103, 75-5-105, 75-5-106, 75-6-102, 75-6-107, 75-6-112, 75-6-113, 75-10-112, and 75-10-501 to "board of health and environmental sciences" or "board of health" or "board" (of health and environmental sciences) is changed to "board of natural resources and conservation" or "board" (of natural resources and conservation).

(3) The code commissioner shall conform internal references and grammar, including redundancies, to the changes made by this section.

Section 19. Board of health and environmental sciences — functions transferred to department of natural resources and conserva tion. (1) The following functions of the board of health anc

environmental sciences are transferred to the department of natural resources and conservation:

(a) those functions specified in 75-5-514, 75-5-515, 75-5-614, and 75-5-641 relating to water quality, including conducting enforcement hearings and setting local charges for sewage systems;

(b) those functions specified in 75-10-223, 75-10-224, and 75-10-515 relating to management of material recycling and motor vehicle recycling and disposal;

(c) those functions specified in Title 75, chapter 20, relating to major facility siting, including emission and discharge permits; and

(d) those functions specified in Title 76, chapter 4, part 1, relating to state regulation of subdivisions, including conducting hearings on decisions related to water supply and sewage disposal.

(2) Unless inconsistent with this act, any reference in the sections listed in subsection (1) to:

(a) "board of health and environmental sciences" or "board of health" or "board" meaning "board of health and environmental sciences" is changed to "department of natural resources and conservation" or "department" (of natural resources and conservation); and

(b) "chairman" is changed to "director".

(3) The code commissioner shall conform internal references and grammar, including redundancies, to the changes made by this section.

Section 20. Department of health and environmental sciences — functions transferred to the department of natural resources and conservation. (1) The following functions of the department of health and environmental sciences are transferred to the department of natural resources and conservation:

(a) those functions specified in Title 37, chapter 42, relating to water treatment plant operators;

(b) those functions specified in 75-2-301, 75-2-403, 75-2-412, 75-2-413, 75-2-422, 75-2-424, and 75-2-427 relating to air quality, including issuance of permits and enforcement and administration of and study and testing necessary to implement air quality laws, rules, and orders;

(c) those functions specified in 75-5-211 through 75-5-213, 75-5-221, 75-5-402, 75-5-511, 75-5-513, 75-5-601, 75-5-602, 75-5-612, 75-5-613, 75-5-616, 75-5-622, 75-5-635, and 75-5-636 relating to water quality, including issuance of permits and enforcement and administration of and study, monitoring, and testing necessary to implement water quality laws, rules, and orders;

(d) those functions specified in 75-6-104, 75-6-105, 75-6-107, and 75-6-111 through 75-6-113 relating to public water supplies, including distribution, treatment, and investigative and administrative assistance to local governments;

(e) the administrative, enforcement, rulemaking, and regulatory functions specified in 75-10-104, 75-10-105, 75-10-111, 75-10-121, 75-10-122, 75-10-124, 75-10-204, 75-10-205, 75-10-211, 75-10-221, 75-10-222, 75-10-224, 75-10-225, 75-10-231, 75-10-232, 75-10-503,

75-10-511, 75-10-513 through 75-10-515, 75-10-521, 75-10-522, 75-10-531, 75-10-533, 75-10-534, and 75-10-541 relating to management of material recycling and motor vehicle recycling and disposal;

(f) those functions specified in Title 75, chapter 20, relating to major facility siting, including emission and discharge permits; and

(g) those functions specified in 76-3-505 and Title 76, chapter 4, part 1, relating to state regulation of subdivisions, including sanitary standards, fees, and enforcement.

(2) Unless inconsistent with this act, any reference in the sections listed in subsection (1) and in 75-2-103, 75-2-105, 75-5-103, 75-5-105, 75-5-106, 75-5-401, 75-6-102, 75-10-103, 75-10-106, 75-10-113, 75-10-203, and 75-10-501 to the "department of health and environmental sciences" or "department" or "director" (of health and environmental sciences) is changed to the "department of natural resources and conservation" or "department" (of natural resources and conservation). The code commissioner shall conform internal references and grammar, including redundancies, to these changes.

Section 21. Transfer of board and advisory councils. (1) The board of water and wastewater operators, the air pollution control advisory council, and the water pollution control advisory council, created in Title 2, chapter 15, part 21, are reallocated from the department of health and environmental sciences to the department of natural resources and conservation.

(2) Sections 2-15-2105 through 2-15-2107 shall be renumbered to be integral parts of Title 2, chapter 15, part 33.

(3) The code commissioner shall change internal references to both section numbers and names accordingly.

Section 22. Section 2-15-2103, MCA, is amended to read:

"2-15-2103. Division of environmental sciences — functions. There is a division of environmental sciences within the department. The department shall assign all functions performed by the department relating to ~~air pollution control, water pollution control,~~ radiation control, pesticides control, environmental sanitation, solid waste disposal, industrial hygiene, and related areas to the division."

Section 23. Section 2-15-2105, MCA, is amended to read:

"2-15-2105. Board of water and wastewater operators. (1) There is a board of water and wastewater operators.

(2) The board consists of seven members. Except as provided in subsection (2)(e) of this section, the members shall be appointed by the governor. The members are:

(a) two members who are employed water supply system or water treatment plant operators holding valid certificates. One of these members shall hold a certificate by examination of the highest class issued by the department ~~of health and environmental sciences~~. There is no restriction on the classification of the certificate held by the other operator.

(b) two members who are employed wastewater treatment plant operators holding valid certificates. One of these members shall hold a certificate by examination of the highest class issued by the department ~~of health and environmental sciences~~. There is no

restriction on the classification of the certificate held by the other operator.

(c) one member serving on the faculty of a university or college whose major field is related to water supply systems, wastewater treatment, chemical or civil engineering, chemistry, or bacteriology;

(d) one member who is a representative of a municipality required to employ a certified operator and who holds a position of either city manager, city engineer, director of public works, works manager, or their equivalent;

(e) ~~the administrator of the division of environmental sciences of the department of health and environmental sciences or~~ a qualified member of ~~his staff appointed by the administrator~~ the department's staff.

(3) Members, except the ex officio voting member from the department ~~of health and environmental sciences~~, shall serve for a term of 6 years.

(4) The board is allocated to the department for administrative purposes only as prescribed in 2-15-121."

Section 24. Section 2-15-2107, MCA, is amended to read:

"2-15-2107. Water pollution control advisory council. (1) There is a water pollution control advisory council.

(2) The council consists of eleven members. The members are:

(a) the director of fish, wildlife, and parks;

(b) the ~~administrator of the water resources division of the department of natural resources and conservation~~ director of the department of health and environmental sciences;

(c) the director of agriculture;

(d) eight members appointed by the governor as follows:

(i) a representative of industry concerned with the disposal of inorganic waste;

(ii) a representative of industry concerned with the disposal of organic waste;

(iii) a livestock feeder;

(iv) a representative of municipal government;

(v) a representative of an organization concerned with fishing for sport;

(vi) a representative from labor;

(vii) a supervisor of a soil and water conservation district;

(viii) a representative of an organization concerned with water recreation.

(3) The appointed council members serve at the pleasure of the governor.

(4) Subsections (5) through (8) of 2-15-122 apply to the council and members."

Section 25. Section 15-6-135, MCA, is amended to read:

"15-6-135. Class five property — description — taxable percentage. (1) Class five property includes:

(a) all property used and owned by cooperative rural electrical and cooperative rural telephone associations organized under the laws of Montana, except property owned by cooperative organizations described in subsection (1)(c) of 15-6-137;

(b) air and water pollution control equipment as defined in this section;

(c) truck campers, motor homes, and camping and travel trailers, including fifth-wheel trailers, owned by and actually used primarily by a person 60 years of age or older who:

(i) is retired from full employment; and

(ii) whose total income from all sources is not more than $7,000 for a single person or $8,000 for a married couple;

(d) new industrial property as defined in this section;

(e) any personal or real property used primarily in the production of gasohol during construction and for the first 3 years of its operation.

(2) (a) "Air and water pollution equipment" means facilities, machinery, or equipment used to reduce or control water or atmospheric pollution or contamination by removing, reducing, altering, disposing, or storing pollutants, contaminants, wastes, or heat. The department of ~~health and environmental sciences~~ natural resources and conservation shall determine if such utilization is being made.

(b) ~~The department's determination [as to air pollution equipment] may be appealed to the board of health and environmental sciences and~~ Any person liable for taxes on property determined by the department not to be air or water pollution equipment is entitled to a hearing before the department of natural resources and conservation. The determination of the department may not be appealed to either a county tax appeal board or the state tax appeal board. However, the appraised value of the equipment as determined by the department of revenue may be appealed to the county tax appeal board and the state tax appeal board.

(3) "New industrial property" means any new industrial plant, including land, buildings, machinery, and fixtures, used by new industries during the first 3 years of their operation. The property may not have been assessed within the state of Montana prior to July 1, 1961.

(4) (a) "New industry" means any person, corporation, firm, partnership, association, or other group that establishes a new plant in Montana for the operation of a new industrial endeavor, as distinguished from a mere expansion, reorganization, or merger of an existing industry.

(b) New industry includes only those industries that:

(i) manufacture, mill, mine, produce, process, or fabricate materials;

(ii) do similar work, employing capital and labor, in which materials unserviceable in their natural state are extracted, processed, or made fit for use or are substantially altered or treated so as to create commercial products or materials; or

(iii) engage in the mechanical or chemical transformation of materials or substances into new products in the manner defined as manufacturing in the 1972 Standard Industrial Classification Manual prepared by the United States office of management and budget.

(5) New industrial property does not include:

(a) property used by retail or wholesale merchants, commercial services of any type, agriculture, trades, or professions;

(b) a plant that will create adverse impact on existing state, county, or municipal services; or

(c) property used or employed in any industrial plant that has been in operation in this state for 3 years or longer.

(6) Class five property is taxed at 3% of its market value."

Section 26. Section 75-2-104, MCA, is amended to read:

"75-2-104. Limitations — personal cause of action unabridged. Nothing in this chapter shall be construed to:

(1) grant to the ~~board~~ department any jurisdiction or authority with respect to air contamination existing solely within commercial and industrial plants, works, or shops;

(2) affect the relations between employers and employees with respect to or arising out of any condition of air contamination or air pollution;

(3) supersede or limit the applicability of any law or ordinance relating to sanitation, industrial health, or safety;

(4) abridge, limit, impair, create, enlarge, or otherwise affect substantively or procedurally the right of a person to damages or other relief on account of injury to persons or property and to maintain an action or other appropriate proceeding."

Section 27. Section 75-2-111, MCA, is amended to read:

"75-2-111. Powers of board. The board shall:

(1) adopt, amend, and repeal rules for the administration, implementation, and enforcement of this chapter, for issuing orders under and in accordance with 42 U.S.C. 7419, and for fulfilling the requirements of 42 U.S.C. 7420 and regulations adopted pursuant thereto;

~~(2) hold hearings relating to any aspect of or matter in the administration of this chapter at a place designated by the board. The board may compel the attendance of witnesses and the production of evidence at hearings. The board shall designate an attorney to assist in conducting hearings and shall appoint a reporter who shall be present at all hearings and take full stenographic notes of all proceedings thereat, transcripts of which will be available to the public at cost.~~

~~(3) issue orders necessary to effectuate the purposes of this chapter;~~

~~(4)~~(2) by rule require access to records relating to emissions;

~~(5)~~(3) by rule adopt a schedule of fees required for permits under this chapter.~~;~~

~~(6) have the power to issue orders under and in accordance with 42 U.S.C. 7419.~~"

Section 28. Section 75-2-112, MCA, is amended to read:

"75-2-112. Powers and responsibilities of department. (1) The department is responsible for the administration of this chapter.

(2) The department shall:

(a) hold hearings relating to any aspect of or matter in the administration of this chapter at a place designated by the department. The department may compel the attendance of witnesses and the production of evidence at hearings. The department shall designate an attorney to assist in conducting hearings and shall appoint a reporter who shall be present at all hearings and take full stenographic notes of all proceedings thereat, transcripts of which will be available to the public at cost.

(b) issue orders necessary to effectuate the purposes of this chapter;

(c) have the power to issue orders under and in accordance with 42 U.S.C. 7419.

~~(a)~~(d) by appropriate administrative and judicial proceedings, enforce orders issued by the ~~board~~ department;

~~(b)~~(e) secure necessary scientific, technical, administrative, and operational services, including laboratory facilities, by contract or otherwise;

~~(c)~~(f) prepare and develop a comprehensive plan for the prevention, abatement, and control of air pollution in this state;

~~(d)~~(g) encourage voluntary cooperation by persons and affected groups to achieve the purposes of this chapter;

~~(e)~~(h) encourage local units of government to handle air pollution problems within their respective jurisdictions on a cooperative basis and provide technical and consultative assistance for this. If local programs are financed with public funds, the department may contract with the local government to share the cost of the program. However, the state share may not exceed 30% of the total cost.

~~(f)~~(i) encourage and conduct studies, investigations, and research relating to air contamination and air pollution and their causes, effects, prevention, abatement, and control;

~~(g)~~(j) determine, by means of field studies and sampling, the degree of air contamination and air pollution in the state;

~~(h)~~(k) make a continuing study of the effects of the emission of air contaminants from motor vehicles on the quality of the outdoor atmosphere of this state and make recommendations to appropriate public and private bodies with respect to this;

~~(i)~~(l) collect and disseminate information and conduct educational and training programs relating to air contamination and air pollution;

~~(j)~~(m) advise, consult, contract, and cooperate with other agencies of the state, local governments, industries, other states, interstate and interlocal agencies, the United States, and any interested persons or groups;

~~(k)~~(n) consult, on request, with any person proposing to construct, install, or otherwise acquire an air contaminant source or device or system for the control thereof concerning the efficacy of this device or system or the air pollution problems which may be related to the source, device, or system. Nothing in this consultation relieves a person from compliance with this chapter, rules in force under it, or any other provision of law.

~~(l)~~(o) accept, receive, and administer grants or other funds or gifts from public or private agencies, including the United States, for the purpose of carrying out this chapter. Funds received under this section shall be deposited in the state treasury to the account of the department.

(3) The department may assess fees to the applicant for the analysis of the environmental impact of an application to redesignate the classification of any area, except those areas within the exterior boundaries of a reservation of a federally recognized Indian tribe, under the classifications established by 42 U.S.C. 7470 through 7479 (prevention of significant deterioration of air quality). The determination of whether or not a fee will be assessed is to be on a case-by-case basis."

Section 29. Section 75-2-211, MCA, is amended to read:

"75-2-211. Permits for construction, installation, alteration, or use. (1) The department shall provide for the issuance, suspension, revocation, and renewal of a permit issued under this section.

(2) Not later than 180 days before construction begins of any machine, equipment, device, or facility which the ~~board~~ department finds may directly or indirectly cause or contribute to air pollution or which is intended primarily to prevent or control the emission of air pollutants and not later than 120 days before installation, alteration, or use begins, the owner or operator shall file with the department the appropriate permit application on forms available from the department and pay to the department a fee sufficient to cover:

(a) the reasonable costs of reviewing and acting upon the application for such permit; and

(b) the reasonable costs of implementing and enforcing the terms and conditions of such permit if the permit is granted (not including any court costs or other costs associated with any enforcement action). The fee shall be deposited in an earmarked revenue fund to be used by the department for administration of this section.

(3) Nothing in this section shall restrict the board's authority to adopt regulations providing for a single air quality permit system.

(4) The department may, for good cause shown, waive or shorten the time required for filing the appropriate applications.

(5) The department shall require that applications for permits be accompanied by any plans, specifications, and other information it considers necessary.

(6) An application is not considered filed until the applicant has submitted all information and completed all application forms required by subsections (2), (3), and (4). However, if the department fails to notify the applicant in writing within 30 days after the purported filing of an application that the application is incomplete and fails to list the reasons why the application is considered incomplete, the application is considered filed as of the date of the purported filing.

(7) Where an application for a permit requires the compilation of an environmental impact statement under the Montana Environmental Policy Act, the department shall notify the applicant in writing within 180 days of the receipt of a filed application, as defined in subsection (5), of the approval or denial of the application. However, where an application does not require the compilation of an environmental impact statement, the department shall notify the applicant in writing within 60 days of the receipt of a filed application, as defined in subsection (5), of the approval or denial of the application. Notification of approval or denial may be served personally or by registered or certified mail on the applicant or his agent.

(8) When the department approves or denies the application for a permit under this section, a person who is jointly or severally adversely affected by the department's decision may request, within 15 days after the department renders its decision, upon affidavit setting forth the grounds therefor, a hearing before the ~~board~~ department. A hearing shall be held under the provisions of the Montana Administrative Procedure Act.

(9) The department's decision on the application is not final unless 15 days have elapsed and there is no request for a hearing under this section. The filing of a request for a hearing postpones the effective date of the department's decision until the conclusion of the hearing and issuance of a final decision by the ~~board~~ department."

Section 30. Section 75-2-212, MCA, is amended to read:

"75-2-212. Variances — renewals — filing fees. (1) A person who owns or is in control of a plant, building, structure, process, or equipment may apply to the ~~board~~ department for an exemption or partial exemption from rules governing the quality, nature, duration, or extent of emissions of air pollutants. The application shall be accompanied by such information and data as the ~~board~~ department may require. The ~~board~~ department may grant an exemption or partial exemption if it finds that:

(a) the emissions occurring or proposed to occur do not constitute a danger to public health or safety; and

(b) compliance with the rules from which exemption is sought would produce hardship without equal or greater benefits to the public.

(2) No exemption or partial exemption may be granted pursuant to this section except after public hearing on due notice and until the ~~board~~ department has considered the relative interests of the applicant, other owners or property likely to be affected by the emissions, and the general public.

(3) No exemption or partial exemption may be granted pursuant to this section for a period to exceed 1 year, but the exemption or partial exemption may be renewed for like periods if no complaint is made to the ~~board~~ department because of it or if, after the complaint has been made and duly considered at a public hearing held by the ~~board~~ department on due notice, ~~the board~~ it finds that renewal is justified. No renewal may be granted except on application therefor. An application shall be made at least 60 days before the expiration of the exemption or partial exemption. Immediately before application for renewal the applicant shall give public notice of his application in accordance with rules of the ~~board~~ department. A renewal pursuant to this subsection shall be on the same grounds and subject to the same limitations and requirements as provided in subsection (1).

(4) An exemption, partial exemption, or renewal thereof is not a right of the applicant or holder thereof but shall be granted at the discretion of the ~~board~~ department. However, a person adversely affected by an exemption, partial exemption, or renewal granted by the ~~board~~ department may obtain judicial review thereof as provided by 75-2-411.

(5) Nothing in this section and no exemption, partial exemption, or renewal granted pursuant to this section may be construed to prevent or limit the application of the emergency provisions and procedures of 75-2-402 to a person or his property.

(6) A person who owns or is in control of a plant, building, structure, process, or equipment (hereinafter called a facility) who applies to the ~~board~~ department for an exemption or partial exemption or a renewal of an exemption or partial exemption from a rule governing the quality, nature, duration, or extent of emissions of air pollutants shall submit with the application for variance a sum of not less than $500 or 2% of the cost of the equipment to bring the facility into compliance with the rule for which a variance is sought, whichever is greater, but not to exceed $80,000. The department shall prepare a statement of actual costs, and funds in excess of this shall be returned to the applicant. The person requesting the variance shall describe the facility in sufficient detail, with accompanying estimates of cost and verifying materials, to permit the department to determine with reasonable accuracy the sum of the fee. For a renewal of an exemption or partial exemption, if no public hearing, environmental impact statement, or appreciable investigation by the department is necessary, the minimum filing fee shall apply or the fee may be waived by the department. The filing fee shall be deposited in the earmarked revenue fund provided for in 17-2-102. It is the intent of the legislature that the revenues derived from the filing fees shall be used by the department to:

(a) compile the information required for rendering a decision on the request;

(b) compile the information necessary for any environmental impact statements;

(c) offset the costs of a public hearing, printing, or mailing; and

(d) carry out its other responsibilities under this chapter."

Section 31. Section 75-2-401, MCA, is amended to read:

"75-2-401. Enforcement. (1) When the department believes that a violation of this chapter or a rule made under it has occurred, it may cause written notice to be served personally or by registered or certified mail on the alleged violator or his agent. The notice shall specify the provision of this chapter or rule alleged to be violated and the facts alleged to constitute a violation and may include an order to take necessary corrective action within a reasonable period of time stated in the order. The order becomes final unless, within 30 days after the notice is received, the person named requests in writing a hearing before the ~~board~~ department. On receipt of the request, the ~~board~~ department shall schedule a hearing.

(2) If, after a hearing held under subsection (1) of this section, the ~~board~~ department finds that violations have occurred, it shall either affirm or modify an order previously issued or issue an appropriate order for the prevention, abatement, or control of the emissions involved or for the taking of other corrective action it considers appropriate. An order issued as part of a notice or after a hearing may prescribe the date by which the violation shall cease and may prescribe time limits for particular action in preventing, abating, or controlling the emissions. If, after hearing on an order contained in a notice, the ~~board~~ department finds that no violation is occurring, it shall rescind the order.

(3) Instead of issuing the order provided for in subsection (1), the department may either:

(a) require that the alleged violators appear before the ~~board~~ department for a hearing at a time and place specified in the notice and answer the charges complained of; or

(b) initiate action under 75-2-412 or 75-2-413.

(4) This chapter does not prevent the board or department from making efforts to obtain voluntary compliance through warning, conference, or any other appropriate means.

(5) In connection with a hearing held under this section, the ~~board~~ department may and on application by a party shall compel the attendance of witnesses and the production of evidence on behalf of the parties."

Section 32. Section 75-2-402, MCA, is amended to read:

"75-2-402. Emergency procedure. (1) Any other law to the contrary notwithstanding, if the department finds that a generalized condition of air pollution exists and that it creates an emergency requiring immediate action to protect human health or safety, the department shall order persons causing or contributing to the air pollution to immediately reduce or discontinue the emission of air contaminants. Upon issuance of this order, the department shall fix a place and time within 24 hours for a hearing to be held before the board. Within 24 hours after the commencement of the hearing and without adjournment, the ~~board~~ department shall affirm, modify, or set aside ~~the~~ its order ~~of the department~~.

(2) In the absence of a generalized condition such as that referred to in subsection (1), if the department finds that emissions from the operation of one or more air contaminant sources are causing imminent danger to human health or safety, it may order the person responsible for the operation in question to reduce or discontinue

emissions immediately, without regard for 75-2-401. In this event, the requirements for hearing and affirmance, modification, or setting aside of orders as provided in subsection (1) apply.

(3) This section does not limit any power which the governor or any other officer may have to declare an emergency and act on the basis of this declaration, whether the power is conferred by statute or constitutional provisions or inheres in the office.

(4) Nothing in 75-2-205 may be construed to require a hearing before the issuance of an emergency order pursuant to this section."

Section 33. Section 75-2-411, MCA, is amended to read:

"75-2-411. Judicial review. (1) A person aggrieved by an order of the ~~board~~ department or local control authority may apply for rehearing upon one or more of the following grounds and upon no other grounds:

(a) the ~~board~~ department or local control authority acted without or in excess of its powers;

(b) the order was procured by fraud;

(c) the order is contrary to the evidence;

(d) the applicant has discovered new evidence, material to him, which he could not with reasonable diligence have discovered and produced at the hearing; or

(e) competent evidence was excluded to the prejudice of the applicant.

(2) The petition must be in such form and filed in such time as the ~~board~~ department shall prescribe.

(3) (a) Within 30 days after the application for rehearing is denied or, if the application is granted, within 30 days after the decision on the rehearing, a party aggrieved thereby may appeal to the district court of the judicial district of the state which is the situs of property affected by the order.

(b) The appeal shall be taken by serving a written notice of appeal upon the ~~chairman of the board~~ department, which service shall be made by the delivery of a copy of the notice to ~~the chairman~~ it and by filing the original with the clerk of the court to which the appeal is taken. Immediately after service upon the ~~board~~ department, ~~the board~~ it shall certify to the district court the entire record and proceedings, including all testimony and evidence taken by the ~~board~~ department. Immediately upon receiving the certified record, the district court shall fix a day for filing of briefs and hearing arguments on the cause and shall cause a notice of the same to be served upon the ~~board~~ department and the appellant.

(c) The court shall hear and decide the cause upon the record of the ~~board~~ department. The court shall determine whether or not the ~~board~~ department regularly pursued its authority, whether or not the findings of the ~~board~~ department were supported by substantial competent evidence, and whether or not the ~~board~~ department made errors of law prejudicial to the appellant.

(4) Either the ~~board~~ department or the person aggrieved may appeal from the decision of the district court to the supreme court.

The proceedings before the supreme court shall be limited to a review of the record of the hearing before the ~~board~~ department and of the district court's review of that record."

Section 34. Section 75-2-421, MCA, is amended to read:

"75-2-421. Persons subject to noncompliance penalties — exemptions. (1) Except as provided in subsection (2), the department shall assess and collect a noncompliance penalty from any person who owns or operates:

(a) a stationary source (other than a primary nonferrous smelter which has received a nonferrous smelter order under 42 U.S.C. 7419) which is not in compliance with any emission limitation specified in an order of the ~~board~~ department, emission standard, or compliance schedule under the state implementation plan approved by the federal environmental protection agency;

(b) a stationary source which is not in compliance with an emission limitation, emission standard, standard of performance, or other requirement under 42 U.S.C. 7411 or 42 U.S.C. 7412; or

(c) any source referred to in subsections (1)(a) or (1)(b) which has been granted an exemption, extension, or suspension under subsection (2) or which is covered by a compliance order, or a primary nonferrous smelter which has received a primary nonferrous smelter order under 42 U.S.C. 7419, if such source is not in compliance with any interim emission control requirement or schedule of compliance under such extension, order, or suspension.

(2) Notwithstanding the requirements of subsection (1), the department may, after notice and opportunity for a public hearing, exempt any source from the requirements of 75-2-421 through 75-2-429 with respect to a particular instance of noncompliance which:

(a) the department finds is de minimus in nature and in duration;

(b) is caused by conditions beyond the reasonable control of the source and is of no demonstrable advantage to the source; or

(c) is exempt under 42 U.S.C. 7420(a)(2)(B) of the federal Clean Air Act.

~~(3) Any person who is jointly or severally adversely affected by the department's decision may request, within 15 days after the department renders its decision, upon affidavit setting forth the grounds therefor, a hearing before the board. A hearing shall be held under the provisions of the Montana Administrative Procedure Act.~~"

Section 35. Section 75-2-425, MCA, is amended to read:

"75-2-425. Notice of noncompliance — challenge. (1) The department shall give a brief but reasonably specific notice of noncompliance to each person who owns or operates a source subject to 75-2-421(1) which is not in compliance as provided in that subsection, within 30 days after the department has discovered the noncompliance.

(2) Each person to whom notice has been given pursuant to subsection (1) shall:

(a) calculate the amount of penalty owed (determined in accordance with 75-2-422(1)) and the schedule of payments (determined in

accordance with 75-2-423) for each source and, within 45 days after issuance of the notice of noncompliance, submit that calculation and proposed schedule, together with the information necessary for an independent verification thereof, to the department; or

(b) submit to the ~~board~~ department a petition within 45 days after the issuance of such notice, challenging such notice of noncompliance or alleging entitlement to an exemption under 75-2-421(2) with respect to a particular source.

(3) Each person to whom notice of noncompliance is given shall pay the department the amount determined under 75-2-422 as the appropriate penalty unless there has been a final determination granting a petition filed pursuant to subsection (2)(b)."

Section 36. Section 75-2-426, MCA, is amended to read:

"75-2-426. Hearing on challenge. (1) The ~~board~~ department shall provide a hearing on the record and make a decision (including findings of fact and conclusions of law) not later than 90 days after the receipt of any petition under 75-2-425(2)(b) with respect to such source.

(2) If the petition is denied, the petitioner shall submit the material required by 75-2-425(2)(a) to the department within 45 days of the date of decision."

Section 37. Section 75-5-202, MCA, is amended to read:

"75-5-202. ~~Board hearings~~ Hearings. The ~~board~~ department shall hold hearings necessary for the proper administration of this chapter ~~or, in the case of permit issuance hearings, delegate this function to the department~~."

Section 38. Section 75-5-403, MCA, is amended to read:

"75-5-403. Denial or modification of permit. (1) If the department denies an application for a permit or modifies a permit, the department shall give written notice of its action to the applicant or holder and he may request a hearing before the ~~board~~ department, in the manner stated in 75-5-611, for the purpose of petitioning the ~~board~~ department to reverse or modify ~~the~~ its action ~~of the department~~. Such hearing shall be held within 30 days after receipt of written request. After the hearing, the ~~board~~ department shall affirm, modify, or reverse ~~the~~ its action ~~of the department~~. If the holder does not request a hearing ~~before the board~~, modification of a permit shall be effective 30 days after receipt of notice by the holder unless the department specifies a later date. If the holder does request a hearing ~~before the board~~, no order modifying his permit shall be effective until 20 days after he has received notice of the final action of the ~~board~~ department.

(2) This section does not apply to any modification made in permit conditions at the time of reissuance, but only to those modifications made in existing permits during their terms."

Section 39. Section 75-5-404, MCA, is amended to read:

"75-5-404. Suspension or revocation of permit — procedure. If the department suspends or revokes a permit because it has reason to believe that the holder has violated this chapter, the department may specify that the suspension or revocation is effective immediately if the department finds that the violation is likely to continue

and will cause pollution, the harmful effects of which will not be remedied immediately on the cessation of the violation. Upon petition by the holder of the permit, the ~~board~~ department shall grant the holder a hearing, to be conducted in the manner specified in 75-5-611, and shall issue an order affirming, modifying, or reversing the action of the department. The order of the board shall be effective immediately unless ~~the board~~ it directs otherwise."

Section 40. Section 75-5-501, MCA, is amended to read:

"75-5-501. ~~Board~~ Department to control state matching funds for construction of water pollution control facilities. (1) The ~~board~~ department shall control funds appropriated by the state for the purpose of providing matching funds to local governments for the construction of water pollution control facilities.

(2) The board shall adopt rules and establish standards for the use of such matching funds by local governments in the planning and construction of local water pollution control facilities.

(3) Funds appropriated under this section shall be used only to provide an increase in the aid from the federal government not otherwise obtainable and may not exceed 25% of the total cost of the project as participated in by the federal water pollution control administration."

Section 41. Section 75-5-611, MCA, is amended to read:

"75-5-611. Violation of chapter — notice and hearing. (1) When the department has reason to believe that a violation of this chapter or a rule made under it has occurred, it may have written notice served personally or by mail on the alleged violator or his agent. The notice shall state the provision alleged to be violated, the facts alleged to constitute the violation, the nature of corrective action which the department requires, and the time within which the action is to be taken. For the purposes of this chapter, service by mail is complete on the date of mailing.

(2) In a notice given under subsection (1) of this section, the department may require the alleged violator to appear before the ~~board~~ department for a public hearing and to answer the charges made against him. The hearing shall be held no sooner than 15 days after service of the notice, except that the ~~board~~ department may set an earlier date for hearing if it is requested to do so by the alleged violator. The ~~board~~ department may set a later date for hearing at the request of the alleged violator if the alleged violator shows good cause for delay.

(3) If the department does not require an alleged violator to appear before the ~~board~~ department for a public hearing, he may request the ~~board~~ department to conduct the hearing. The request shall be in writing and shall be filed with the department no later than 30 days after service of a notice under subsection (1) of this section. If a request is filed, a hearing shall be held within a reasonable time.

(4) If a hearing is held under this section, it shall be public and shall, if the ~~board~~ department considers it practicable, be held in a county in which the violation is alleged to have occurred.

(5) After a hearing or on failure of an alleged violator to make a timely request for a hearing, the ~~board~~ department may issue an

appropriate order for the prevention, abatement, or control of pollution. It shall state the date or dates by which a violation shall cease and may prescribe timetables for necessary action in preventing, abating, or controlling the pollution.

(6) The alleged violator may petition the ~~board~~ department for a rehearing on the basis of new evidence, which petition the ~~board~~ department may grant for good cause shown.

(7) In addition to or instead of issuing an order, ~~the board may direct~~ the department ~~to~~ may initiate appropriate action for recovery of a penalty under 75-5-631, 75-5-632, 75-5-633, or 75-5-635."

Section 42. Section 75-5-621, MCA, is amended to read:

"75-5-621. Emergencies. (1) Notwithstanding any other provisions of this chapter, if the department finds that a person is committing or is about to commit an act in violation of this chapter or an order or rule issued under it which, if it occurs or continues, will cause substantial pollution the harmful effects of which will not be remedied immediately after the commission or cessation of the act, the department shall order the person to stop, avoid, or moderate the act so that the substantial injury will not occur. The order shall be effective immediately upon receipt by the person to whom it is directed, unless the department provides otherwise.

(2) Notice of the order shall conform to the requirements of 75-5-611(1) so far as practicable. The notice shall indicate that the order is an emergency order.

(3) Upon issuing such an order, the department shall fix a place and time for a hearing ~~before the board~~, not later than 5 days thereafter unless the person to whom the order is directed shall request a later time. The department may deny a request for a later time if it finds that the person to whom the order is directed is not complying with the order. The hearing shall be conducted in the manner specified in 75-5-611. As soon as practicable after the hearing, the ~~board~~ department shall affirm, modify, or set aside ~~the~~ its order ~~of the department~~. The final order of the ~~board~~ department shall be accompanied by the statement specified in 75-5-611(5). An action for review of the final order of the ~~board~~ department may be initiated in the manner specified in 75-5-641. The initiation of such an action or taking of an appeal may not stay the effectiveness of the final order unless the court finds that the ~~board~~ department did not have reasonable cause to issue an order under this section."

Section 43. Section 75-5-641, MCA, is amended to read:

"75-5-641. Appeals from ~~board~~ department orders — review by district court. (1) An appeal of ~~an~~ a final order of the ~~board~~ department shall be in the district court of the county in which the alleged source of pollution is located.

(2) A person interested in the order may intervene, in the manner provided by the rules of civil procedure, if he shows good cause. An intervenor is a party for the purposes of this chapter.

(3) The attorney general shall represent the ~~board~~ department if requested, or the department may appoint special counsel for the proceedings, subject to the approval of the attorney general.

(4) The initiation of an action for review or the taking of an appeal does not stay the effectiveness of any order of the ~~board~~ department unless the court finds that there is probable cause to believe:

(a) that refusal to grant a stay will cause serious harm to the affected party; and

(b) that any violation found by the ~~board~~ department will not continue or, if it does continue, any harmful effects on state waters will be remedied immediately on the cessation of the violation.

(5) If a court does not stay the effectiveness of an order of the ~~board~~ department, it may enforce compliance with that order by issuing a temporary restraining order or an injunction at the request of the ~~board~~ department."

Section 44. Section 75-6-103, MCA, is amended to read:

"75-6-103. Duties of the board. (1) The ~~board~~ department has general supervision over all state waters which are directly or indirectly being used by a person for a public water supply system or domestic purposes or as a source of ice.

(2) The board shall adopt rules and standards concerning:

(a) maximum contaminant levels for waters that are or will be used for a public water supply system;

(b) fees for services rendered by the department in analyzing water and conducting inspections;

(c) monitoring, recordkeeping, and reporting by persons who own or operate a public water supply system;

(d) requiring public notice to all users of a public water supply system when a person has been granted a variance or exemption or is in violation of this part or a rule or order issued pursuant to this part;

(e) the issuance of licenses by the department to laboratories that conduct analysis of public water supply systems;

(f) the siting, construction, operation, and modification of a public water supply system;

(g) the collection and analysis of samples of water used for drinking or domestic purposes;

(h) the issuance of variances and exemptions as authorized by the federal Safe Drinking Water Act and this part; and

(i) any other requirement necessary for the protection of public health as described in this part.

(3) The ~~board~~ department may issue orders necessary to fully implement the provisions of this part."

Section 45. Section 75-6-106, MCA, is amended to read:

"75-6-106. Licensing of laboratories. (1) No laboratory analysis of water taken from a public water supply system or any report of such an analysis required by this part or a rule adopted under this part may be accepted by the department ~~or board~~ unless the analysis or report is made by the laboratory of the department or by a laboratory licensed by the department for such purposes. The departmen

shall issue a license to any laboratory that can meet criteria for licensing established in the rules adopted by the board.

(2) An application for a license under this section shall be made on forms furnished by the department.

(3) A person aggrieved by a decision of the department to grant, deny, or revoke a license may appeal the department's decision to the ~~board~~ department as provided in the Montana Administrative Procedure Act."

Section 46. Section 75-20-216, MCA, is amended to read:

"75-20-216. Study, evaluation, and report on proposed facility — assistance by other agencies. (1) After receipt of an application, the department ~~and department of health~~ shall within 90 days notify the applicant in writing that:

(a) the application is in compliance and is accepted as complete; or

(b) the application is not in compliance and list the deficiencies therein; and upon correction of these deficiencies and resubmission by the applicant, the department ~~and department of health~~ shall within 30 days notify the applicant in writing that the application is in compliance and is accepted as complete.

(2) Upon receipt of an application complying with 75-20-211 through 75-20-215, and this section, the department shall commence an intensive study and evaluation of the proposed facility and its effects, considering all applicable criteria listed in 75-20-301 and 75-20-503, and the department of health shall commence a study to enable it ~~or the board of health~~ to issue a decision, opinion, order, certification, or permit as provided in subsection (3). The department ~~and department of health~~ shall use, to the extent ~~they consider~~ it considers applicable, valid and useful existing studies and reports submitted by the applicant or compiled by a state or federal agency.

(3) The department ~~of health~~ shall within 1 year following the date of acceptance of an application, and ~~the board of health~~, if ~~applicable~~ a hearing is held, within an additional 6 months, issue any decision, opinion, order, certification, or permit required by state or federal air and water quality laws and this chapter. The department ~~of health and the board of health~~ shall determine compliance with air and water quality standards and implementation plans for the primary and reasonable alternate locations in ~~their~~ its decision, opinion, order, certification, or permit. The decision, opinion, order, certification, or permit, with or without conditions, is conclusive on all matters of air and water quality impacts under the federal and state air and water quality statutes that the department ~~of health and board of health administer~~ administers, and any of the criteria specified in 75-20-503(3) and (4) that are a part of the determinations made under federal and state air and water quality statutes. Although the decision, opinion, order, certification, or permit issued under this subsection is conclusive, the board retains authority to make the determination required under 75-20-301(2)(c). ~~The decision, opinion, order, certification, or permit of the department of health or the board of health satisfies the review requirements by those agencies and shall be acceptable in lieu of an environmental impact statement under the Montana Environmental Policy Act.~~ A copy of the decision, opinion, order, certification, or permit shall be

served upon ~~the department and~~ the board and shall be utilized as part of their final site selection process. Prior to the issuance of a preliminary decision ~~by the department of health and pursuant to rules adopted by the board of health~~ on air and water quality permits, the department ~~of health~~ shall provide an opportunity for public review and comment. A final decision by the department ~~of health or board of health~~ on air and water quality permits is subject to appellate review pursuant to the air and water quality statutes administered by the department ~~of health and board of health~~.

(4) Within 22 months following acceptance of an application for a facility as defined in (a) and (d) of 75-20-104(10) and for a facility as defined in (b) and (c) of 75-20-104(10) which is more than 30 miles in length and within 1 year for a facility as defined in (b) and (c) of 75-20-104(10) which is 30 miles or less in length, the department shall make a report to the board which shall contain the department's studies, evaluations, recommendations, other pertinent documents resulting from its study and evaluation, and an environmental impact statement or analysis prepared pursuant to the Montana Environmental Policy Act, if any. If the application is for a combination of two or more facilities, the department shall make its report to the board within the greater of the lengths of time provided for in this subsection for either of the facilities.

(5) The departments of highways; community affairs; fish, wildlife, and parks; state lands; revenue; and public service regulation shall report to the department information relating to the impact of the proposed site on each department's area of expertise. The report may include opinions as to the advisability of granting, denying, or modifying the certificate. The department shall allocate funds obtained from filing fees to the departments making reports to reimburse them for the costs of compiling information and issuing the required report."

Section 47. Section 75-20-218, MCA, is amended to read:

"75-20-218. Hearing date — location — department to act as staff — hearings to be held jointly. (1) Upon receipt of the department's report submitted under 75-20-216, the board shall set a date for a hearing to begin not more than 120 days after the receipt. Except for those hearings involving applications submitted for facilities as defined in (b) and (c) of 75-20-104(10), certification hearings shall be conducted by the board in the county seat of Lewis and Clark County or the county in which the facility or the greater portion thereof is to be located.

(2) Except as provided in 75-20-221(2), the department shall act as the staff for the board throughout the decisionmaking process and the board may request the department to present testimony or cross-examine witnesses as the board considers necessary and appropriate.

(3) At the request of the applicant, the ~~duly authorized state air and water quality agencies~~ department shall hold any ~~required~~ permit hearings required under the state air and water quality laws ~~administered by those agencies~~ in conjunction with the board certification hearing. In such a conjunctive hearing the time periods established for reviewing an application and for issuing a decision on certification of a proposed facility under this chapter supersede the time periods specified in ~~other~~ the state air and water quality

laws administered by the ~~duly authorized state air and water quality agencies~~ department."

Section 48. Section 75-20-219, MCA, is amended to read:

"75-20-219. Amendments to a certificate. (1) Within 30 days after notice of an amendment to a certificate is given as set forth in 75-20-213(1) including notice to all active parties to the original proceeding, the department shall determine whether the proposed change in the facility would result in any material increase in any environmental impact of the facility or a substantial change in the location of all or a portion of the facility other than as provided in the alternates set forth in the original application. If the department determines that the proposed change would result in any material increase in any environmental impact of the facility or a substantial change in the location of all or a portion of the facility, the board shall hold a hearing in the same manner as a hearing is held on an application for a certificate. After hearing, the board shall grant, deny, or modify the amendment with such conditions as it deems appropriate.

(2) In those cases where the department determines that the proposed change in the facility would not result in any material increase in any environmental impact or would not be a substantial change in the location of all or a portion of the facility, the board shall automatically grant the amendment either as applied for or upon such terms or conditions as the board considers appropriate unless the department's determination is appealed to the board within 15 days after notice of the department's determination is given.

(3) If a hearing is required, the applicant has the burden of showing by clear and convincing evidence that the amendment should be granted.

(4) If an amendment is required to a certificate which would affect, amend, alter or modify a decision, opinion, order, certification, or permit issued by the department ~~of health or board of health~~ under the state air and water quality statutes, such amendment must be processed under the applicable statutes administered by the department ~~of health or board of health~~."

Section 49. Section 75-20-220, MCA, is amended to read:

"75-20-220. Hearing examiner — restrictions — duties. (1) If the board appoints a hearing examiner to conduct any certification proceedings under this chapter, the hearing examiner may not be a member of the board, or an employee of the department~~, or a member or employee of the department of health or board of health~~. A hearing examiner, if any, shall be appointed by the board within 20 days after the department's report has been filed with the board. If a hearing is held before the ~~board of health~~ department under air and water quality laws, the board and the ~~board of health~~ department shall mutually agree on the appointment of a hearing examiner to preside at both hearings.

(2) A prehearing conference shall be held following notice within 60 days after the department's report has been filed with the board.

(3) The prehearing conference shall be organized and supervised by the hearing examiner.

(4) The prehearing conference shall be directed toward a determination of the issues presented by the application, the department's report, and an identification of the witnesses and documentary exhibits to be presented by the active parties who intend to participate in the hearing.

(5) The hearing examiner shall require the active parties to submit, in writing, and serve upon the other active parties, all direct testimony which they propose and any studies, investigations, reports, or other exhibits that any active party wishes the board to consider. These written exhibits and any documents that the board itself wishes to use or rely on shall be submitted and served in like manner, at least 20 days prior to the date set for the hearing. For good cause shown, the hearing examiner may allow the introduction of new evidence at any time.

(6) The hearing examiner shall allow discovery which shall be completed before the commencement of the hearing, upon good cause shown and under such other conditions as the hearing examiner shall prescribe.

(7) Public witnesses and other interested public parties may appear and present oral testimony at the hearing or submit written testimony to the hearing examiner at the time of their appearance. These witnesses are subject to cross-examination.

(8) The hearing examiner shall issue a prehearing order specifying the issues of fact and of law, identifying the witnesses of the active parties, naming the public witnesses and other interested parties who have submitted written testimony in lieu of appearance, outlining the order in which the hearing shall proceed, setting forth those section 75-20-301 criteria as to which no issue of fact or law has been raised which are to be conclusively presumed and are not subject to further proof except for good cause shown, and any other special rules to expedite the hearing which the hearing examiner shall adopt with the approval of the board.

(9) At the conclusion of the hearing, the hearing examiner shall declare the hearing closed and shall, within 60 days of that date, prepare and submit to the board and in the case of a conjunctive hearing, within 90 days to the board and the ~~board of health~~ department proposed findings of fact, conclusions of law, and a recommended decision.

(10) The hearing examiner appointed to conduct a certification proceeding under this chapter shall insure that the time of the proceeding, from the date the department's report is filed with the board until the recommended report and order of the examiner is filed with the board, does not exceed 9 calendar months unless extended by the board for good cause.

(11) The board or hearing examiner may waive all or a portion of the procedures set forth in subsections (2) through (8) of this section to expedite the hearing for a facility when the department has recommended approval of a facility and no objections have been filed."

Section 50. Section 76-4-106, MCA, is amended to read:

"76-4-106. Cooperation with other governmental agencies. (1) The department may require the use of records of all state, county, and municipal agencies and may seek the assistance of those agencies.

(2) State, county, and city officers and employees, including local health officers and sanitarians, shall cooperate with ~~the board and~~ the department in furthering the purposes of this part so far as is practical and consistent with their own duties."

Section 51. Section 2-15-3302, MCA, is amended to read:

"2-15-3302. Board of natural resources and conservation — composition — quasi-judicial. (1) There is a board of natural resources and conservation.

(2) The board is composed of seven members, appointed by the governor as prescribed in 2-15-124, informed and experienced in the subjects of natural resources and conservation. One member shall be a medical doctor licensed by the board of medical examiners and at least one member shall be an engineer licensed by the board of professional engineers and land surveyors.

(3) The board is designated as a quasi-judicial board for purposes of 2-15-124.

(4) The board is allocated to the department for administrative purposes only as prescribed in 2-15-121.

(5) In addition to carrying out its functions as provided by law, the board shall act in an advisory capacity to the department in all other matters."

Section 52. Transition for contested cases. Any contested case filed before October 1, 1982, with the board of health shall be concluded with the board of health unless both parties to the action stipulate in writing that the action may be transferred to the department of natural resources and conservation."

Renumber: subsequent sections

4. Page 22.
Following: line 20
Insert: "Section 55. Effective dates. (1) The effective date for sections 1 through 17 is October 1, 1981.

(2) The effective date for the attached sections pertaining to the transfer of functions under various environmental acts is October 1, 1982.

(3) The effective date of the requirement that a medical doctor and an engineer sit on the board of natural resources and conservation is January 1, 1982.

Section 56. Repealer. Section 75-5-502, MCA, is repealed."

And, as so amended, do pass. Report adopted.

TAXATION (Goodover, Chairman):
SB 15, introduced bill, be amended as follows:

1. Title, line 9.
Following: "20-9-430,"
Strike: "20-9-440,"

2. Page 19, line 21 through page 20, line 6.
Strike: Section 15 in its entirety
Renumber: subsequent sections

And, as so amended, do pass. Report adopted.

SB 183, be amended as follows:

1. Title, line 6.
Following: line 5
Strike: "UNCOLLECTABLE"
Insert: "DISCHARGED"

2. Title, line 6.
Following: "AMENDING"
Strike: "SECTION"
Insert: "SECTIONS 15-7-207,"

3. Title, line 6.
Following: "15-7-209"
Insert: ", AND 15-7-210"

4. Title, line 7.
Following: "15-7-205,"
Strike: "15-7-207, 15-7-210,"

5. Title, line 8.
Following: "15-7-214,"
Insert: "AND"

6. Tile, line 8.
Following: "15-7-215,"
Strike: "AND 15-7-403,"

7. Page 1, line 22.
Following: line 21
Strike: "uncollectable"
Insert: "discharged"

8. Page 1, line 25.
Following: "are"
Strike: "declared to be uncollectable"
Insert: "discharged"

9. Page 2.
Following: line 1
Insert: "Section 3. Section 15-7-207, MCA, is amended to read:

"15-7-207. Continuance of valuation as agricultural land. Continuance of valuation, assessment, and taxation under this part shall depend upon continuance of the land in agricultural use and compliance with the other requirements of this part and not upon continuance in the same owner of title to the land. ~~Liability to the roll back tax shall attach when a change in use of the land occurs but not when a change in ownership of the title takes place if the new owner continues the land in agricultural use under the conditions prescribed in this part.~~"

Section 4. Section 15-7-210, MCA, is amended to read:

"15-7-210. ~~Rollback tax~~ Tax on change of use of part of tract. Separation or split off of a part of the land which is being valued, assessed and taxed under this part, either by conveyance or other actions of the owner of such land, for use other than agricultural shall subject the land so separated ~~to liability for the rollback tax applicable thereto~~ to reclassification by the department but shall not impair the right of the remaining land to continuance of evaluation, assessment and taxation hereunder, provided it meets the minimum requirements of this part.""

Renumber: subsequent sections

10. Page 2, line 9.
Following: line 8
Strike: "15-7-207, 15-7-210,"
Following: "15-7-214,"
Insert: "and"
Following: "15-7-215,"
Strike: "and"

11. Page 2, line 10.
Following: line 9
Strike: "15-7-403,"

And, as so amended, do pass. Report adopted.

SB 412, do pass. Report adopted.

The Committee adopted the following Statement of Intent:

STATEMENT OF INTENT: Senate Bill No. 412

A statement of intent is required for Senate Bill No. 412 because it grants licensing boards within the Department of Professional and Occupational Licensing the authority to set fees.

Presently fees charged by most licensing boards are set by law. Wherever changed circumstances require a change in fees legislation is required. Each session several bills are introduced to modify board fees. By allowing boards to set their own fees, flexibility is provided the boards to meet changing circumstances. At the present time, fees set by law are not based upon actual costs incurred by licensing boards in carrying out their various functions.

It is the intent of the Legislature that fees set by licensing boards be reasonably related to the costs of the respective programs. "Programs" of the licensing boards are intended to be such areas of responsibility as applications, examinations, renewals, and reciprocity. "Reasonably related" is intended to mean that the department generally breaks down the costs associated with the various programs and sets each fee at a level to cover these costs and the costs of maintaining the ongoing operations of the board. "Reasonably related" does not mean the department is required to maintain an exact system of actual costs, but rather means the department should generally allocate costs of the program equitably among the various fee categories.

First adopted by the Senate Taxation Committee on the 21st day of February 1981.

Report adopted.

SB 483, introduced bill, be amended as follows:

1. Page 13, line 9.
Following: "in"
Strike: "subsection"
Insert: "subsections"

2. Page 13, line 10.
Following: "(5)"
Insert: "and (7)"

3. Page 15, line 4.
Following: "~~property.~~"

Insert: "(7) In appraising any class of property, the department of revenue may use a manual to determine the value in each class provided it is uniformly applied in each class."

And, as so amended, do pass. Report adopted.

The Committee adopted the following Statement of Intent:

STATEMENT OF INTENT: Senate Bill No. 483

The legislature is cognizant of the substantial litigation concerning the valuation of residential property and commercial and industrial property, the so-called "34% cases". Such protracted litigation and related proceedings are not in the interest of the taxpayer or the taxing authority. In order to eliminate similar litigation, the legislature considers it advisable to create separate classes of property for residential land and improvements and commercial and industrial land and improvements. By so doing the legislature intends to recognize that residential properties are typically held and exchanged as family dwelling units, while commercial and industrial properties are typically held and exchanged on the basis of their income-generating characteristics. These disparate uses prompt different appraisal considerations when estimating market value as provided in Section 15-8-111, MCA.

The legislature intends to leave the valuation of agricultural land unchanged from the present law. The percentages that convert productive capacity to taxable value remain unchanged.

First adopted by the Senate Taxation Committee on the 21st day of February 1981.

Report adopted.

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Halligan in the Chair.

Senate resumed. President Turnage in the Chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on Second Reading, recommend as follows:

That Senate Bill No. 334, without objection, be placed at the bottom of the board.

That Senate Bill No. 335 do pass by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Conover.
Total 1

Absent or not voting: None.
Total 0

That Senate Bill No. 377 do pass by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Conover.
Total 1

Absent or not voting: None.
Total 0

That Senate Bill No. 381 do pass by the following vote:

Ayes: Aklestad, Anderson, Berg, Boylan, B. Brown, S. Brown, Crippen, Dover, Elliott, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Thomas, Towe, Tveit, Mr. President.
Total 41

Noes: Blaylock, Eck, Etchart, Jacobson, Johnson, Story, Van Valkenburg.
Total 7

Excused: Conover.
Total 1

Absent or not voting: Stimatz.
Total 1

That Senate Bill No. 390 do pass by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Conover.
Total 1

Absent or not voting: None.
Total 0

That Senate Bill No. 392 do pass by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman,

Haffey, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 47

Noes: Hager, Mazurek.
Total 2

Excused: Conover.
Total 1

Absent or not voting: None.
Total 0

That Senate Bill No. 396 do pass by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Dover, Eck, Galt, Goodover, Haffey, Halligan, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Kolstad, Manning, McCallum, Nelson, Norman, Ochsner, Olson, Regan, Stephens, Story, Thomas, Towe, Van Valkenburg, Mr. President.
Total 32

Noes: Crippen, Elliott, Etchart, Hager, Hammond, Keating, Lee, Manley, Mazurek, Severson, Smith, Tveit.
Total 12

Excused: Conover.
Total 1

Absent or not voting: Graham, Hafferman, O'Hara, Ryan, Stimatz.
Total 5

That Senate Bill No. 397 do pass by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Conover.
Total 1

Absent or not voting: None.
Total 0

That Senate Bill No. 398 do pass by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Conover.
Total 1

Absent or not voting: None.
Total 0

That the Committee rise and report and beg leave to sit again. (Halligan, Chairman)

Upon motion of Senator Halligan, duly carried, the foregoing Report of the Committee of the Whole was adopted.

At the request of Senator Blaylock, and without objection, the Senate reverted to Order of Business No. 6.

MOTIONS

Senator Blaylock requested a Rules Committee Meeting on Senate Bill No. 409.

Upon motion of Senator Stephens, duly carried, the Senate recessed for a Rules Committee Meeting in Room 330, subject to the Call of the Chair.

Senate recessed at 5:01 p.m.

Senate resumed at 5:29 p.m.

Senator Conover entered the Senate Chamber.

Upon motion of Senator Manning, that Senate Bill No. 409 pass consideration. Motion carried by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: Boylan, Galt.
Total 2

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Halligan in the Chair.

Senate resumed. President Turnage in the Chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on Second Reading, recommend as follows:

That Senate Bill No. 419 be amended. Amendment failed by the following vote:

Ayes: Berg, Blaylock, S. Brown, Conover, Eck, Elliott, Halligan, Hazelbaker, Healy, Kolstad, Lee, Olson, Regan.
Total 13

Noes: Aklestad, Anderson, Boylan, B. Brown, Crippen, Dover, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Hammond, Himsl, Johnson, Keating, Manley, Mazurek, McCallum, Nelson, Ochsner, O'Hara, Ryan, Severson, Smith, Stephens, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 33

Excused: None.
Total 0

Absent or not voting: Jacobson, Manning, Norman, Stimatz.
Total 4

That Senate Bill No. 419 be amended as follows:

1. Page 3, line 23.
Following: "IN"
Strike: "MISDISCRETION"
Insert: "his discretion"

Amendment passed by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

That Senate Bill No. 419 be amended as follows:

1. Title, lines 7 and 8.
Following: "DISTRICT;"
Strike: "AND TO PROVIDE AN INCREASED ANNUAL SALARY FOR A CHIEF JUDGE;"

2. Page 1, line 14.
Strike: all underlined language
Insert: all stricken language

Amendments passed by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Var Valkenburg, Mr. President.

Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

That Senate Bill No. 419, as amended, do pass by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Mr. President.
Total 48

Noes: Ryan, Van Valkenburg.
Total 2

Excused: None.
Total 0

Absent or not voting: None.
Total 0

That Senate Bill No. 428 do pass by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: Regan.
Total 1

Excused: None.
Total 0

Absent or not voting: None.
Total 0

That Senate Bill No. 435 do pass. Motion failed by the following vote:

Ayes: Berg, Blaylock, Boylan, B. Brown, Conover, Crippen, Eck, Hafferman, Haffey, Hager, Halligan, Hazelbaker, Healy, Jacobson, Manning, Mazurek, Norman, Regan, Ryan, Thomas, Towe, Van Valkenburg, Mr. President.
Total 23

Noes: Aklestad, Anderson, S. Brown, Dover, Elliott, Etchart, Galt, Goodover, Graham, Hammond, Himsl, Johnson, Keating, Kolstad, Lee, Manley, McCallum, Nelson, Ochsner, O'Hara, Olson, Severson, Smith, Stephens, Story, Tveit.
Total 26

Excused: None.

Total 0

Absent or not voting: Stimatz.
Total 1

That Senate Bill No. 435 be indefinitely postponed. Motion carried by the following vote:

Ayes: Aklestad, Anderson, Boylan, S. Brown, Dover, Eck, Elliott, Etchart, Galt, Goodover, Hammond, Himsl, Johnson, Keating, Kolstad, Lee, Manley, McCallum, Nelson, Ochsner, O'Hara, Olson, Severson, Smith, Stephens, Tveit.
Total 26

Noes: Berg, Blaylock, B. Brown, Conover, Crippen, Hafferman, Haffey, Hager, Halligan, Hazelbaker, Healy, Jacobson, Manning, Mazurek, Norman, Regan, Ryan, Story, Thomas, Towe, Van Valkenburg.
Total 21

Excused: None.
Total 0

Absent or not voting: Graham, Stimatz, Mr. President.
Total 3

That Senate Bill No. 438 pass consideration. Motion carried by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Manley, Manning, Mazurek, McCallum, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 47

Noes: Kolstad, Lee, Nelson.
Total 3

Excused: None.
Total 0

Absent or not voting: None.
Total 0

That Senate Bill No. 449 do pass by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.

Total 0

That the Committee rise and report. (Halligan, Chairman)

Upon motion of Senator Halligan, duly carried, the foregoing Report of the Committee of the Whole was adopted.

At the request of the President and without objection, the Senate reverted to Order of Business No. 6.

MOTIONS

Motion was made by Senator Etchart that Senate Bill No. 290 be taken from Second Reading and rereferred to the Committee on Highways and Transportation. Motion passed by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Motion was made by Senator Blaylock that Senate Bill No. 409 be taken from Second Reading and rereferred to the Committee on Taxation. Motion carried by the following vote:

Ayes: Anderson, Berg, Blaylock, B. Brown, Conover, Crippen, Eck, Goodover, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Lee, Manning, Mazurek, McCallum, Norman, Ochsner, Olson, Regan, Ryan, Smith, Stephens, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 36

Noes: Aklestad, Boylan, S. Brown, Dover, Elliott, Etchart, Galt, Kolstad, Manley.
Total 9

Excused: None.
Total 0

Absent or not voting: Graham, Nelson, O'Hara, Severson, Stimatz.
Total 5

Upon motion of Senator Stephens, duly carried, the Senate adjourned at 6:16 p.m. until Monday, February 23, at the hour of 10:00 a.m.

JEAN A. TURNAGE
President of the Senate

JOHN W. LARSON
Secretary of the Senate

FORTY-THIRD LEGISLATIVE DAY

Helena, Montana
February 23, 1981

Senate Chambers
Capitol Building

Senate convened at 10:00 a.m., President Turnage presiding. Invocation by the Chaplain. Pledge of Allegiance to the Flag.

Roll call. All members present. Quorum present.

Mr. President: We, your Committee on Bills and Journal, having examined the daily journal for the Forty-second Legislative Day, find the same to be correct.

O'HARA, Chairman

REPORTS OF STANDING COMMITTEES

PRINTING (O'Hara, Chairman):
Correctly printed and placed on the members' desks - SB 15, SB 17, SB 109, SB 131, SB 183, SB 240, SB 300, SB 343, SB 376, SB 426, SB 452, SB 461, SB 462, SB 465, SB 470, SB 475, SB 480, SB 483, SJR 8. Report adopted.

BILLS (O'Hara, Chairman):
Correctly engrossed - SB 217, SB 231, SB 235, SB 273, SB 277, SB 279, SB 288, SB 289, SB 320, SB 385, SB 396, SB 413, SB 427, SB 432, SB 434, SB 455, SB 479, SJR 13, SJR 20. Report adopted.

LOCAL GOVERNMENT (McCallum, Chairman):
SB 167, do not pass.

Thereupon, the Adverse Committee Report was adopted by the following roll call vote:

Ayes: Aklestad, Anderson, Boylan, Crippen, Dover, Etchart, Galt, Graham, Haffey, Hammond, Hazelbaker, Healy, Himsl, Johnson, Keating, Kolstad, Manley, Manning, McCallum, Nelson, Norman, Ochsner, Olson, Stephens, Stimatz, Thomas, Tveit, Van Valkenburg, Mr. President.
Total 29

Noes: Berg, Blaylock, S. Brown, Conover, Eck, Elliott, Goodover, Hafferman, Hager, Halligan, Jacobson, Lee, Mazurek, Regan, Ryan, Severson, Smith, Towe.
Total 18

Excused: None.
Total 0

Absent or not voting: B. Brown, O'Hara, Story.
Total 3

REPORTS OF SELECT COMMITTEES

FREE CONFERENCE COMMITTEE
ON HOUSE BILL NO. 94
Report No. 1, February 20, 1981

MR. PRESIDENT AND SPEAKER OF THE HOUSE:

We, your Free Conference Committee on House Bill No. 94, met February 20, 1981, and considered:

Senate Committee on Finance and Claims Amendments, dated February 4, 1981, and recommend as follows:

That the House accede to amendment nos. 1 and 2.

And further, that House Bill No. 94, reference bill, be amended to read as follows:

1. Page 3.
Following: line 23
Insert: "General Operations $117,500."

2. Page 8.
Following: line 16
Insert: "DEPARTMENT OF SOCIAL AND REHABILITATION SERVICES
Medicaid Accrual $3,954,606.
Grant-in Aid 425,000.

Item 1 is appropriated only for medicaid accruals. There are to be no cash expenditures made against this appropriation during fiscal 1981 or fiscal 1982. A unique responsibility center and appropriation number shall be established in the statewide budgeting and accounting system to account for this appropriation. Notwithstanding any other provision of law, no other medicaid accrual may be made in fiscal 1981.

Before expending any funds under item 2 the department shall determine that all expenditures from the county poor fund have been reasonable and necessary, according to criteria set by the department, for the county to meet its obligations under law to provide assistance to the needy."

And that the Free Conference Committee Report on House Bill No. 94 be adopted.

FOR THE SENATE:	FOR THE HOUSE:
Senator Dover	Representative Lund
Senator Keating	Representative Marks
Senator Van Valkenburg	Representative Bardanouve

Report adopted.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following Senate Bill was on 2/23/81, on Committee Report, not concurred in and returned to the Senate:

Senate Bill No. 32, introduced by Norman

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

Senate Bill No. 229 was passed by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Thomas, Towe, Van Valkenburg, Mr. President.
Total 46

Noes: Lee, Manley, Story, Tveit.

Total 4

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Senate Bill No. 325 was passed by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Senate Bill No. 459 was passed by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: Regan.
Total 1

Excused: None.
Total 0

Absent or not voting: Johnson.
Total 1

House Bill No. 341 was concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

House Bill No. 482 was concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

At the request of the President, and without objection, the Senate reverted to Order of Business No. 8.

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Elliott in the Chair.

Senate resumed. President Turnage in the Chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on Second Reading, recommend as follows:

That Senate Bill No. 313 do pass. Motion failed by the following vote:

Ayes: Aklestad, Boylan, B. Brown, Crippen, Dover, Etchart, Galt, Goodover, Graham, Hager, Hammond, Himsl, Keating, Kolstad, Lee, Manley, Nelson, Ochsner, O'Hara, Olson, Severson, Smith, Story, Tveit, Mr. President.
Total 25

Noes: Anderson, Berg, Blaylock, S. Brown, Conover, Eck, Elliott, Hafferman, Haffey, Halligan, Hazelbaker, Healy, Jacobson, Johnson, Manning, Mazurek, McCallum, Norman, Regan, Ryan, Stephens, Stimatz, Thomas, Towe, Van Valkenburg.
Total 25

Excused: None.
Total 0

Absent or not voting: None.
Total 0

That Senate Bill No. 313 be indefinitely postponed. Motion failed by the following vote:

Ayes: Berg, Blaylock, Boylan, S. Brown, Conover, Eck, Hafferman, Haffey, Halligan, Hazelbaker, Healy, Jacobson, Manning, Mazurek, McCallum, Norman, Regan, Ryan, Stephens, Stimatz, Thomas, Towe, Van Valkenburg.
Total 23

Noes: Aklestad, Anderson, Crippen, Dover, Elliott, Etchart, Galt, Goodover, Graham, Hager, Hammond, Himsl, Johnson, Keating, Kolstad, Lee, Manley, Nelson, Ochsner, O'Hara, Olson, Severson, Smith, Story, Tveit, Mr. President.
Total 26

Excused: None.
Total 0

Absent or not voting: B. Brown.
Total 1

That Senate Bill No. 438 pass consideration. Unanimously passed.

That Senate Bill No. 420 pass consideration. Unanimously passed.

That Senate Bill No. 421 pass consideration. Unanimously passed.

That Senate Bill No. 463 do pass by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: Goodover.
Total 1

Excused: None.
Total 0

Absent or not voting: None.
Total 0

That Senate Bill No. 467 do pass by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 47

Noes: S. Brown, Himsl, Regan.
Total 3

Excused: None.
Total 0

Absent or not voting: None.
Total 0

That Senate Bill No. 468 do pass by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan,

Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

That Senate Joint Resolution No. 9 do pass by the following vote:

Ayes: Aklestad, Anderson, Berg, Boylan, B. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: Blaylock, S. Brown.
Total 2

Excused: None.
Total 0

Absent or not voting: None.
Total 0

That Senate Bill No. 287 pass consideration. Unanimously passed.

That Senate Bill No. 334 do pass by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

That Senate Bill No. 48 do pass. Motion failed by the following vote:

Ayes: Berg, B. Brown, S. Brown, Conover, Crippen, Eck, Etchart, Haffey, Hager, Healy, Jacobson, Mazurek, Norman, Regan, Ryan, Stimatz, Towe, Van Valkenburg.
Total 18

Noes: Aklestad, Blaylock, Boylan, Dover, Elliott, Galt, Goodover, Hafferman, Hammond, Hazelbaker, Himsl, Johnson, Keating, Kolstad,

Lee, Manley, McCallum, Nelson, Ochsner, O'Hara, Olson, Severson, Smith, Stephens, Tveit, Mr. President.
Total 26

Excused: None.
Total 0

Absent or not voting: Anderson, Graham, Halligan, Manning, Story, Thomas.
Total 6

That Senate Bill No. 48 be indefinitely postponed. Motion carried by the following vote:

Ayes: Aklestad, Blaylock, Boylan, Crippen, Dover, Elliott, Galt, Goodover, Hafferman, Hager, Hammond, Hazelbaker, Himsl, Johnson, Keating, Kolstad, Lee, Manley, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Severson, Smith, Stephens, Story, Tveit, Mr. President.
Total 30

Noes: Berg, B. Brown, S. Brown, Conover, Eck, Etchart, Haffey, Healy, Jacobson, Mazurek, Regan, Ryan, Stimatz, Towe, Van Valkenburg.
Total 15

Excused: None.
Total 0

Absent or not voting: Anderson, Graham, Halligan, Manning, Thomas.
Total 5

That Senate Bill No. 50, without objection, be placed below Senate Bill No. 195.

That Senate Bill No. 84 do pass by the following vote:

Ayes: Aklestad, Anderson, Berg, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: Blaylock, Goodover.
Total 2

Excused: None.
Total 0

Absent or not voting: None.
Total 0

That Senate Bill No. 155 do pass by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

That Senate Bill No. 193 do pass by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 47

Noes: S. Brown, Olson, Regan.
Total 3

Excused: None.
Total 0

Absent or not voting: None.
Total 0

That Senate Bill No. 195 do pass by the following vote:

Ayes: Anderson, Berg, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Elliott, Etchart, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Jacobson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Norman, Ochsner, O'Hara, Ryan, Smith, Stephens, Stimatz, Story, Thomas, Towe, Van Valkenburg, Mr. President.
Total 38

Noes: Aklestad, Blaylock, Eck, Goodover, Himsl, Nelson, Olson, Regan, Severson.
Total 9

Excused: None.
Total 0

Absent or not voting: Galt, Johnson, Tveit.
Total 3

That the Committee rise and report and beg leave to sit again. (Elliott, Chairman)

Upon motion of Senator Elliott, duly carried, the foregoing Report of the Committee of the Whole was adopted.

At the request of Senator Anderson, and without objection, the Senate reverted to Order of Business No. 6.

MOTIONS

Motion was made by Senator Anderson that Senate Bill No. 438 be taken from Second Reading and rereferred to the Committee on Judiciary. Motion carried by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl,

Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Motion was made by Senator Anderson that Senate Bill No. 420 be taken from Second Reading and rereferred to the Committee on Judiciary. Motion carried by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Motion was made by Senator Anderson that Senate Bill No. 421 be taken from Second Reading and rereferred to the Committee on Judiciary. Motion carried by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Senator Elliott in the Chair.

Senate resumed. President Turnage in the Chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on Second Reading, recommend as follows:

That Senate Bill No. 50, without objection, be moved below Senate Bill No. 219.

That Senate Bill No. 215, without objection, be placed at the bottom of the board.

That Senate Bill No. 219 do pass by the following vote:

Ayes: Aklestad, Berg, Boylan, B. Brown, Conover, Crippen, Dover, Eck, Elliott, Goodover, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Mr. President.
Total 42

Noes: Blaylock, S. Brown, Etchart, Van Valkenburg.
Total 4

Excused: None.
Total 0

Absent or not voting: Anderson, Galt, Graham, Johnson.
Total 4

That the Committee rise and report and beg leave to sit again. (Elliott, Chairman)

Upon motion of Senator Elliott, duly carried, the foregoing Report of the Committee of the Whole was adopted.

At the request of the President, and without objection, the Senate reverted to Order of Business No. 6.

MOTIONS

Upon motion of Senator Stephens, duly carried, that the Senate recess.

Senate recessed at 12:07 p.m.

Senate resumed at 1:30 p.m.

At the request of the President, and without objection, the Senate reverted to Order of Business No. 2.

REPORTS OF STANDING COMMITTEES

PRINTING (O'Hara, Chairman):
Correctly printed and placed on the members' desks - SB 129, SB 327, SB 412. Report adopted.

BILLS (O'Hara, Chairman):
Correctly engrossed - SB 33, SB 210, SB 276, SB 294, SB 377, SB 381, SB 398, SB 405, SB 424. Report adopted.

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Elliott in the Chair.

Senate resumed. President Turnage in the Chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on Second Reading, recommend as follows:

That Senate Bill No. 50, without objection, be placed below Senate Bill No. 269.

That Senate Bill No. 246 do pass by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

That Senate Bill No. 253 be amended as follows:

1. Title, line 11.
Following: "41-3-201,"
Insert: "41-3-302,"

Amendment passed by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

That Senate Bill No. 253, as amended, do pass by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.

Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

That Senate Bill No. 269 be amended as follows:

1. Page 5, line 16.
Following: "(a)"
Insert: "if a fee simple interest in the defendant's land is taken,"

2. Page 5, line 18.
Following: "(b)"
Insert: "if other land is reasonably available and the plaintiff consents,"

Amendments passed by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

That Senate Bill No. 269, as amended, do pass by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

That Senate Bill No. 50 be amended as follows:

1. Page 5, line 12.
Following: "~~$1,200.~~"
Strike: "EXCEPT"

2. Page 5, line 13.
Following: line 12
Strike: "GREATER"
Insert: "less"

3. Page 8, line 14.
Following: "and"
Insert: "uniformly"

Amendments passed by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

That Senate Bill No. 50 be amended as follows:

1. Page 6, line 10.
Following: "coroner"
Strike: "shall"
Insert: "may"

2. Page 6, line 11.
Following: "and"
Strike: "the"
Insert: "such"

3. Page 7, line 20.
Following: "recorder"
Insert: "plus $2,500"

Amendments passed by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

That Senate Bill No. 50, as amended, do pass by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

That Senate Bill No. 272 do pass by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

That Senate Bill No. 284 do pass by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

That Senate Bill No. 314 do pass by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham,

Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

That Senate Bill No. 354 do pass by the following vote:

Ayes: Aklestad, Anderson, Berg, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 47

Noes: Blaylock, Boylan, Story.
Total 3

Excused: None.
Total 0

Absent or not voting: None.
Total 0

That Senate Bill No. 362 be amended as follows:

1. Page 2, line 11.
Following: line 10
Strike: "equally"
Insert: "equitably"

2. Page 2, line 12.
Following: "town"
Insert: "as the governing body shall determine"

Amendments passed by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.

Total 0

That Senate Bill No. 362, as amended, do pass by the following vote:

Ayes: Anderson, Berg, Blaylock, Boylan, S. Brown, Conover, Crippen, Eck, Etchart, Graham, Hafferman, Haffey, Hager, Halligan, Hazelbaker, Healy, Keating, Kolstad, Lee, Manley, Mazurek, McCallum, Norman, O'Hara, Regan, Ryan, Towe, Van Valkenburg.
Total 28

Noes: Aklestad, Dover, Elliott, Galt, Goodover, Hammond, Himsl, Nelson, Ochsner, Olson, Severson, Stephens, Tveit.
Total 13

Excused: None.
Total 0

Absent or not voting: B. Brown, Jacobson, Johnson, Manning, Smith, Stimatz, Story, Thomas, Mr. President.
Total 9

That Senate Bill No. 380 be amended as follows:

1. Page 5, line 13.
Following: "winery"
Strike: "may"
Insert: "must"
Strike: "various"
Insert: "all its"

Amendment passed by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: Hager, Severson.
Total 2

Excused: None.
Total 0

Absent or not voting: None.
Total 0

That Senate Bill No. 380, as amended, do pass by the following vote:

Ayes: B. Brown, Crippen, Elliott, Etchart, Goodover, Haffey, Hager, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Manley, McCallum, Nelson, Ochsner, Ryan, Smith, Stephens, Stimatz, Story, Thomas, Van Valkenburg.
Total 25

Noes: Aklestad, Berg, Blaylock, Boylan, S. Brown, Dover, Eck, Galt, Graham, Hafferman, Halligan, Hammond, Mazurek, Norman, Regan, Severson, Towe, Tveit.
Total 18

Excused: None.

Total 0

Absent or not voting: Anderson, Conover, Lee, Manning, O'Hara, Olson, Mr. President.
Total 7

That Senate Bill No. 386 be amended as follows:

1. Page 2, line 5.
Following: "may"
Insert: "not"

Amendment passed by the following vote:

Ayes: Aklestad, Anderson, Boylan, B. Brown, Crippen, Dover, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Hammond, Healy, Johnson, Keating, Kolstad, Lee, Manley, McCallum, Nelson, Norman, Ochsner, O'Hara, Ryan, Severson, Smith, Stephens, Story, Thomas, Towe, Tveit, Mr. President.
Total 33

Noes: Berg, Blaylock, S. Brown, Conover, Eck, Haffey, Hager, Halligan, Himsl, Jacobson, Mazurek, Olson, Regan, Stimatz, Van Valkenburg.
Total 15

Excused: None.
Total 0

Absent or not voting: Hazelbaker, Manning.
Total 2

That Senate Bill No. 386, as amended, do pass by the following vote:

Ayes: Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Eck, Elliott, Graham, Haffey, Halligan, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Norman, Ochsner, Olson, Regan, Ryan, Stephens, Stimatz, Thomas, Towe, Van Valkenburg.
Total 34

Noes: Aklestad, Dover, Etchart, Galt, Goodover, Hafferman, Hager, Hammond, Keating, Nelson, O'Hara, Severson, Smith, Story, Tveit, Mr. President.
Total 16

Excused: None.
Total 0

Absent or not voting: None.
Total 0

That the Committee rise and report and beg leave to sit again. (Elliott, Chairman)

Upon motion of Senator Elliott, duly carried, the foregoing Report of the Committee of the Whole was adopted.

At the request of the President, and without objection, the Senate reverted to Order of Business No. 6.

MOTIONS

Upon motion of Senator Stephens, duly carried, the Senate recessed.

Senate recessed at 3:41 p.m.

Senate resumed at 3:57 p.m.

FIRST READING OF BILLS

The following Senate Joint Resolutions were introduced, read first time and referred to committees:

SJR 24, introduced by Jacobson, Healy, Haffey, Menahan, Regan, Lee, McBride, D. Brown, Pavlovich, Kanduch, Quilici, Harrington, Daily, Van Valkenburg, Conover, Ryan, Eck, Himsl, Kolstad, Thomas, Berg, S. Brown, Mazurek, Towe, Hazelbaker, Stimatz, E. Smith, Hager, Johnson, Halligan, Hafferman, Galt, Nelson, Stephens, Crippen. Referred to Committee on Finance and Claims.

SJR 25, introduced by McCallum. Referred to Committee on Education and Cultural Resources.

SJR 26, introduced by Thomas. Referred to Committee on Taxation.

At the request of the President, and without objection, the Senate reverted to Order of Business No. 6.

MOTIONS

Senator Anderson moved that the Senate reconsider its action taken on the adoption of an Adverse Committee Report on Senate Bill No. 348 and that it be printed and placed on Second Reading. Motion carried by the following vote:

Ayes: Aklestad, Anderson, Blaylock, S. Brown, Crippen, Dover, Eck, Elliott, Goodover, Hafferman, Haffey, Hager, Hammond, Hazelbaker, Healy, Jacobson, Johnson, Kolstad, Lee, Manley, Manning, McCallum, Nelson, Norman, Ochsner, O'Hara, Ryan, Severson, Smith, Stephens, Stimatz, Tveit, Van Valkenburg, Mr. President.
Total 34

Noes: Berg, B. Brown, Conover, Etchart, Graham, Halligan, Himsl, Mazurek, Olson, Towe.
Total 10

Excused: None.
Total 0

Absent or not voting: Boylan, Galt, Keating, Regan, Story, Thomas.
Total 6

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Elliott in the Chair.

Senate resumed. President Turnage in the Chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on Second Reading, recommend as follows:

That Senate Bill No. 387 do pass by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

That Senate Bill No. 391 do pass by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

That Senate Bill No. 418 do pass by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

That Senate Bill No. 442 do pass by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: Story.
Total 1

Excused: None.

Total 0

Absent or not voting: None.
Total 0

That Senate Bill No. 445 do pass by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

That Senate Bill No. 450 do pass by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

That Senate Joint Resolution No. 10 do pass by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

That Senate Joint Resolution No. 14 be amended as follows:

1. Page 3, line 12.
Following: line 11
Strike: "burden"
Insert: "standard"

Amendment passed by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

That Senate Joint Resolution No. 14, as amended, do pass by the following vote:

Ayes: Anderson, Blaylock, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Haffey, Hager, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Manning, Mazurek, McCallum, Nelson, Ochsner, Olson, Regan, Ryan, Severson, Smith, Stephens, Thomas, Towe, Mr. President.
Total 34

Noes: Aklestad, Berg, Boylan, Goodover, Hafferman, Halligan, Kolstad, Lee, Manley, Tveit, Van Valkenburg.
Total 11

Excused: None.
Total 0

Absent or not voting: Graham, Norman, O'Hara, Stimatz, Story.
Total 5

That Senate Joint Resolution No. 15 do pass by the following vote:

Ayes: Anderson, Berg, Blaylock, Boylan, B. Brown, Conover, Crippen, Dover, Eck, Elliott, Galt, Hafferman, Haffey, Hager, Hammond, Healy, Himsl, Jacobson, Johnson, Keating, Manley, Manning, Mazurek, Norman, Ochsner, Olson, Regan, Ryan, Severson, Stephens, Stimatz, Thomas, Towe, Van Valkenburg, Mr. President.
Total 35

Noes: Aklestad, S. Brown, Etchart, Goodover, Kolstad, Lee, McCallum, Nelson, Smith, Story, Tveit.
Total 11

Excused: None.
Total 0

Absent or not voting: Graham, Halligan, Hazelbaker, O'Hara.

Total 4

That Senate Joint Resolution No. 17 do pass by the following vote:

Ayes: Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 47

Noes: Aklestad, Halligan, Manley.
Total 3

Excused: None.
Total 0

Absent or not voting: None.
Total 0

That Senate Joint Resolution No. 21 be amended as follows:

1. Page 2, lines 13 and 14.
Following: "Instruction"
Strike: ", the Legislative Auditor,"

2. Page 3, line 1.
Strike: "and"

3. Page 3, line 3.
Following: "represents"
Insert: "; and (g) providing space for the offices of the Legislative Fiscal Analyst, Legislative Council and Legislative Auditor in the Capitol Building"

Amendments passed by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

That Senate Joint Resolution No. 21 pass consideration. Unanimously passed.

That Senate Joint Resolution No. 22 do pass by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl,

Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

That Senate Joint Resolution No. 23 pass consideration. Unanimously passed.

That Senate Bill No. 215 do pass by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

That the Committee rise and report. (Elliott, Chairman)

Upon motion of Senator Elliott, duly carried, the foregoing Report of the Committee of the Whole was adopted.

At the request of the President, and without objection, the Senate reverted to Order of Business No. 2.

REPORTS OF STANDING COMMITTEES

BILLS (O'Hara, Chairman):
Correctly engrossed - SB 107, SB 392, SB 419, SB 428. Report adopted.

PRINTING (O'Hara, Chairman):
Correctly printed and placed on the members' desks - SB 348. Report adopted.

The Senate will please take note that the President did, at the hour of 10:30 a.m., 2/23/81, sign the following bills:
HB 2, HB 103, HB 123, HJR 15.

Jean A. Turnage
President

The Senate will please take note that the President did, at the hour of 3:20 p.m., 2/23/81, sign the following bills:
HB 23, HB 122.

Jean A. Turnage
President

The Senate will please take note that the President did, at the hour of 4:30 p.m., 2/23/81, sign the following bill:
SB 340.

Jean A. Turnage
President

BILLS (O'Hara, Chairman):
Correctly enrolled - SB 340. Report adopted.

I have examined Senate Bill No. 340 introduced by me and find the same to be correct. (Stephens)

MOTIONS

Motion was made by Senator Goodover that Senate Joint Resolution No. 23 be taken from Second Reading and rereferred to the Committee on Taxation. Motion carried by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Motion was made by Senator Healy that Senate Joint Resolution No. 21 be taken from Second Reading and rereferred to the Rules Committee for a ruling. Motion carried by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Upon motion of Senator Stephens, duly carried, the Senate adjourned at 5:32 p.m. until Tuesday, February 24, at the hour of 10:00 a.m.

JEAN A. TURNAGE
President of the Senate

JOHN W. LARSON
Secretary of the Senate

FORTY-FOURTH LEGISLATIVE DAY

Helena, Montana
February 24, 1981

Senate Chambers
Capitol Building

Senate convened at 10:00 a.m., President Turnage presiding. Invocation by the Chaplain. Pledge of Allegiance to the Flag.

Roll call. All members present. Quorum present.

Mr. President: We, your Committee on Bills and Journal, having examined the daily journal for the Forty-third Legislative Day, find the same to be correct.

O'HARA, Chairman

REPORTS OF STANDING COMMITTEES

PRINTING (O'Hara, Chairman):
Correctly printed and placed on the members' desks - SB 258. Report adopted.

BILLS (O'Hara, Chairman):
Signed by the Speaker of the House and President of the Senate, 2/24/81, at the hour of 8:50 a.m., delivered to the Governor for his approval - SB 340. Report adopted.

STATE ADMINISTRATION (Story, Chairman):
Communication of the Governor dated February 2, 1981, wherein the names of:

HERB SAMMONS, Cut Bank, reappointed for a term ending January 7, 1985;

JIM MCLEAN, Bozeman, appointed for a term ending January 7, 1985;

MAURICE SANDMEYER, Sidney, appointed for a term ending January 7, 1985;

ROBERT MILLER, Dillon, appointed for a term ending January 7, 1985, were submitted for appointments to:

The Board of Aeronautics.

Respectfully report as follows:

That said appointments be concurred in and confirmed by the Senate, and that the attached resolution be adopted by the Senate.

Be concurred in and confirmed. Report adopted.

Communication of the Governor dated February 2, 1981, wherein the names of:

JACK STEVENS, Great Falls, appointed for a term ending January 7, 1985;

HERSHEL ROBBINS, Roundup, appointed for a term ending January 7, 1985;

NELL KUBESH, Glendive, appointed for a term ending January 7, 1985;

DARCY GALASSO, Butte, appointed for a term ending January 7, 1985, were submitted for appointments to:

The Coal Board.

Respectfully report as follows:

That said appointments be concurred in and confirmed by the Senate, and that the attached resolution be adopted by the Senate.

Be concurred in and confirmed. Report adopted.

Communication of the Governor dated February 2 and 18, 1981, wherein the names of:

KATHLEEN HENSON, Superior, appointed for a term ending January 7, 1985;

HON. JAMES SORTE, Wolf Point, reappointed for a term ending January 7, 1985;

PEDRO HERNANDEZ, Billings, appointed for a term ending January 1, 1983;

CARROLL SOUTH, Helena, appointed for a term ending January 1, 1983;

DR. GORDON BROWDER, Missoula, reappointed for a term ending January 7, 1985;

ELLIS GENE KISER, Billings, appointed for a term ending January 7, 1985;

GLENN OSBORNE, Great Falls, appointed for a term ending January 7, 1985;

HON. FRANK HASWELL, Helena, reappointed for a term ending January 7, 1985;

BILL GOULD, Eureka, appointed for a term ending January 7, 1985;

HAROLD HANSER, Billings, appointed for a term ending January 7, 1985;

REP. REX MANUEL, Fairfield, appointed for a term ending January 7, 1985;

KENNETH RUSTAD, Baker, appointed for a term ending January 7, 1985, were submitted for appointments to:

The Board of Crime Control.

Respectfully report as follows:

That said appointments be concurred in and confirmed by the Senate, and that the attached resolution be adopted by the Senate.

Be concurred in and confirmed. Report adopted.

Communication of the Governor dated February 2, 1981, wherein the name of:

LINDA KING, Helena, appointed for a term ending January 16, 1984, was submitted for appointment to:

The Board of Horse Racing.

Respectfully report as follows:

That said appointment be concurred in and confirmed by the Senate, and that the attached resolution be adopted by the Senate.

Be concurred in and confirmed. Report adopted.

Communication of the Governor dated February 2, 1981, wherein the names of:

TOM BATTERSHELL, Helena, appointed for a term ending January 7, 1985;

BRUCE MOERER, Shelby, appointed for a term ending January 7, 1985;

JOAN BENNETT, Great Falls, appointed for a term ending January 7, 1985; and

Communication of the Governor dated February 20, 1981, wherein the name of:

MICHAEL J. KENNEDY, Billings, appointed for a term ending January 7, 1985, were submitted for appointments to:

The Board of Housing.

Respectfully report as follows:

That said appointments be concurred in and confirmed by the Senate, and that the attached resolution be adopted by the Senate.

Be concurred in and confirmed. Report adopted.

Communication of the Governor dated February 2, 1981, wherein the names of:

DEAN ALBERT, Great Falls, reappointed for a term ending January 7, 1985;

W. E. SCHREIBER, Whitefish, appointed for a term ending January 7, 1985;

GREG JERGESON, Chinook, appointed for a term ending January 7, 1985, were submitted for appointments to:

The Board of Investments.

Respectfully report as follows:

That said appointments be concurred in and confirmed by the Senate, and that the attached resolution be adopted by the Senate.

Be concurred in and confirmed. Report adopted.

Communication of the Governor dated February 2, 1981, wherein the names of:

HENRY E. BURGESS, Helena, reappointed for a term ending January 7, 1985;

JAMES WELCH, Missoula, reappointed for a term ending January 7, 1985;

ANTHONY MARRA, Havre, appointed as auxiliary member for a term ending January 7, 1985, were submitted for appointments to:

The Board of Pardons.

Respectfully report as follows:

That said appointments be concurred in and confirmed by the Senate and that the attached resolution be adopted by the Senate.

Be concurred in and confirmed. Report adopted.

Communication of the Governor dated February 2, 1981, wherein the names of:

LLOYD MARKELL, Helena, appointed for a term ending January 7, 1985;

JOHN KELLY ADDY, Billings, appointed for a term ending January 7, 1985;

JOHN ASTLE, Butte, appointed for a term ending January 7, 1985, were submitted for appointments to:

The Board of Personnel Appeals.

Respectfully report as follows:

That said appointments be concurred in and confirmed by the Senate, and that the attached resolution be adopted by the Senate.

Be concurred in and confirmed. Report adopted.

Communication of the Governor dated February 2, 1981, wherein the name of:

SHELLEY HOPKINS, Missoula, reappointed for a term ending February 1, 1982, was submitted for appointment to:

The Board of Regents.

Respectfully report as follows:

That said appointment be concurred in and confirmed by the Senate, and that the attached resolution be adopted by the Senate.

Be concurred in and confirmed. Report adopted.

Communication of the Governor dated February 2, 1981, wherein the name of:

ROBERT S. RAUNDAL, Helena, reappointed for a term ending March 1, 1987, was submitted for appointment to:

The State Tax Appeal Board.

Respectfully report as follows:

That said appointment be concurred in and confirmed by the Senate, and that the attached resolution be adopted by the Senate.

Be concurred in and confirmed. Report adopted.

SPECIAL ORDERS OF THE DAY

The hour of 10:05 a.m. having arrived, the Senate considered the Governor's appointments for confirmation.

Senator Story moved that the appointments of Herb Sammons, Cut Bank, Montana, reappointed for a term ending January 7, 1985; Jim McLean, Bozeman, Montana, appointed for a term ending January 7, 1985; Maurice Sandmeyer, Sidney, Montana, appointed for a term ending January 7, 1985; and Robert Miller, Dillon, Montana, appointed for a term ending January 7, 1985; to serve at the pleasure of the Governor on the Board of Aeronautics in accordance with the Senate Resolution, be voted upon with the ayes and nays spread upon the Journal. Motion carried by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: Severson.
Total 1

Senator Story moved that the appointments of Jack Stevens, Great Falls, Montana, appointed for a term ending January 7, 1985; Hershel Robbins, Roundup, Montana, appointed for a term ending January 7, 1985; Nell Kubesh, Glendive, Montana, appointed for a term ending January 7, 1985; Darcy Galasso, Butte, Montana, appointed for a term ending January 7, 1985; to serve at the pleasure of the Governor on the Coal Board in accordance with the Senate Resolution, be voted upon with the ayes and nays spread upon the Journal. Motion carried by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: Severson.
Total 1

Senator Story moved that the appointments of Kathleen Henson, Superior, Montana, appointed for a term ending January 7, 1985; Hon. James Sorte, Wolf Point, Montana, reappointed for a term ending January 7, 1985; Pedro Hernandez, Billings, Montana, appointed for a term ending January 1, 1983; Carroll South, Helena, Montana, appointed for a term ending January 1, 1983; Dr. Gordon Browder, Missoula, Montana, reappointed for a term ending January 7, 1985; Ellis Gene Kiser, Billings, Montana, appointed for a term ending January 7, 1985; Glenn Osborne, Great Falls, Montana, appointed for a term ending January 7, 1985; Hon. Frank Haswell, Helena, Montana, reappointed for a term ending January 7, 1985; Bill Gould, Eureka, Montana, appointed for a term ending January 7, 1985; Harold Hanser, Billings, Montana, appointed for a term ending January 7, 1985; Rep. Rex Manuel, Fairfield, Montana, appointed for a term ending January 7, 1985; and Kenneth Rustad, Baker, Montana appointed for a term ending January 7, 1985; to serve at the pleasure c

the Governor on the Board of Crime Control in accordance with the Senate Resolution, be voted upon with the ayes and nays spread upon the Journal. Motion carried by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: Hager, Severson.
Total 2

Senator Story moved that the appointment of Linda King, Helena, Montana appointed for a term ending January 16, 1984; to serve at the pleasure of the Governor on the Board of Horse Racing in accordance with the Senate Resolution, be voted upon with the ayes and nays spread upon the Journal. Motion carried by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 46

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: Haffey, Hager, Keating, Severson.
Total 4

Senator Story moved that the appointment of Tom Battershell, Helena, Montana, appointed for a term ending January 7, 1985; Bruce Moerer, Shelby, Montana, appointed for a term ending January 7, 1985; Joan Bennett, Great Falls, Montana, appointed for a term ending January 7, 1985; and Michael J. Kennedy, Billings, Montana, appointed for a term ending January 7, 1985; to serve at the pleasure of the Governor on the Board of Housing in accordance with the Senate Resolution, be voted upon with the ayes and nays spread upon the Journal. Motion carried by the following vote:

Ayes: Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 47

Noes: Aklestad, Nelson.
Total 2

Excused: None.
Total 0

Absent or not voting: Severson.
Total 1

Senator Story moved that the appointment of Dean Albert, Great Falls, Montana, reappointed for a term ending January 7, 1985; W. E. Schreiber, Whitefish, Montana, appointed for a term ending January 7, 1985; and Greg Jergeson, Chinook, Montana, appointed for a term ending January 7, 1985; to serve at the pleasure of the Governor on the Board of Investments in accordance with the Senate Resolution, be voted upon with the ayes and nayes spread upon the Journal. Motion carried by the following vote:

Ayes: Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Eck, Elliott, Etchart, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manning, Mazurek, McCallum, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 44

Noes: Aklestad, Dover, Galt, Manley, Nelson.
Total 5

Excused: None.
Total 0

Absent or not voting: Severson.
Total 1

Senator Story moved that the appointment of Henry E. Burgess, Helena, Montana, reappointed for a term ending January 7, 1985; James Welch, Missoula, Montana, reappointed for a term ending January 7, 1985; and Anthony Marra, Havre, Montana, appointed as auxiliary member for a term ending January 7, 1985; to serve at the pleasure of the Governor on the Board of Pardons in accordance with the Senate Resolution, be voted upon with the ayes and nays spread upon the Journal. Motion carried by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: Severson.
Total 1

Senator Story moved that the appointment of Lloyd Markell, Helena Montana, appointed for a term ending January 7, 1985; John Kelly Addy

Billings, Montana appointed for a term ending January 7, 1985; and John Astle, Butte, Montana, appointed for a term ending January 7, 1985; to serve at the pleasure of the Governor on the Board of Personnel Appeals in accordance with the Senate Resolution, be voted upon with the ayes and nays spread upon the Journal. Motion carried by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: Severson.
Total 1

Senator Story moved that the appointment of Shelley Hopkins, Missoula, Montana, reappointed for a term ending February 1, 1982; to serve at the pleasure of the Governor on the Board of Regents in accordance with the Senate Resolution, be voted upon with the ayes and nays spread upon the Journal. Motion carried by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: Severson.
Total 1

Senator Story moved that the appointment of Robert S. Raundal, Helena, Montana, reappointed for a term ending March 1, 1987; to serve at the pleasure of the Governor on the State Tax Appeal Board in accordance with the Senate Resolution, be voted upon with the ayes and nays spread upon the Journal. Motion carried by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Thomas, Towe, Van Valkenburg, Mr. President.
Total 46

Noes: Dover, Story.

Total 2

Excused: None.
Total 0

Absent or not voting: Keating, Tveit.
Total 2

At the request of the President, and without objection, the Senate reverted to Order of Business No. 6.

MOTIONS

Upon motion of Senator Stephens, duly carried, the Senate recessed.

Senate recessed at 10:28 a.m.

Senate resumed at 10:54 a.m.

Motion was made by Senator Blaylock that House Bill No. 250 be taken from Third Reading and rereferred to the Committee on Taxation. Motion failed by the following vote:

Ayes: Berg, Blaylock, Boylan, S. Brown, Conover, Eck, Graham, Hafferman, Haffey, Halligan, Healy, Jacobson, Manning, Mazurek, Norman, Regan, Ryan, Stimatz, Thomas, Towe, Van Valkenburg.
Total 21

Noes: Aklestad, Anderson, B. Brown, Crippen, Dover, Elliott, Etchart, Galt, Goodover, Hager, Hammond, Hazelbaker, Himsl, Johnson, Keating, Kolstad, Lee, Manley, McCallum, Nelson, Ochsner, O'Hara, Olson, Severson, Smith, Stephens, Story, Tveit, Mr. President.
Total 29

Excused: None.
Total 0

Absent or not voting: None.
Total 0

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

House Bill No. 250 was concurred in by the following vote:

Ayes: Aklestad, Anderson, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Mr. President.
Total 45

Noes: Berg, Blaylock, Eck, Regan, Van Valkenburg.
Total 5

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Senate Bill No. 33 was passed by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Senate Bill No. 107 was passed by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Senate Bill No. 210 was passed by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Senate Bill No. 217 was passed by the following vote:

Ayes: Aklestad, Anderson, Berg, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson,

Norman, Ochsner, O'Hara, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 45

Noes: Elliott, Johnson, Story.
Total 3

Excused: None.
Total 0

Absent or not voting: Blaylock, Olson.
Total 2

Senate Bill No. 231 was passed by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Senate Bill No. 235 was passed by the following vote:

Ayes: Aklestad, Anderson, Boylan, B. Brown, Conover, Crippen, Dover, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Johnson, Keating, Kolstad, Lee, Manley, Manning, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Mr. President.
Total 42

Noes: Berg, S. Brown, Eck, Jacobson, Mazurek, Regan, Van Valkenburg.
Total 7

Excused: None.
Total 0

Absent or not voting: Blaylock.
Total 1

Senate Bill No. 273 was passed by the following vote:

Ayes: Aklestad, Anderson, Boylan, Dover, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Hammond, Hazelbaker, Healy, Himsl, Johnson, Keating, Kolstad, Lee, Manley, Mazurek, McCallum, Nelson, Ochsner, O'Hara, Olson, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Tveit, Mr. President.
Total 36

Noes: Berg, Blaylock, B. Brown, S. Brown, Conover, Crippen, Eck, Halligan, Jacobson, Manning, Norman, Regan, Towe, Van Valkenburg.
Total 14

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Senate Bill No. 276 was passed by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: S. Brown, Towe.
Total 2

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Senate Bill No. 277 was passed by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: Keating.
Total 1

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Senate Bill No. 279 was passed by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Senate Bill No. 288 was passed by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Senate Bill No. 289 was passed by the following vote:

Ayes: Aklestad, Anderson, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Mr. President.
Total 44

Noes: Berg, Blaylock, Halligan, Mazurek, Regan, Van Valkenburg.
Total 6

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Senate Bill No. 294 was passed by the following vote:

Ayes: Aklestad, Anderson, Boylan, S. Brown, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Hammond, Hazelbaker, Healy, Himsl, Johnson, Keating, Kolstad, Lee, Manley, Manning, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Towe, Tveit.
Total 39

Noes: Berg, Blaylock, B. Brown, Conover, Crippen, Halligan, Jacobson, Mazurek, Thomas, Van Valkenburg, Mr. President.
Total 11

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Senate Bill No. 320 was passed by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Kolstad, Lee, Manning, Mazurek, McCallum, Nelson, Norman,

Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 46

Noes: Galt, Hammond, Keating, Manley.
Total 4

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Senate Bill No. 377 was passed by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Senate Bill No. 381 was passed by the following vote:

Ayes: Aklestad, Anderson, Berg, Boylan, B. Brown, S. Brown, Conover, Dover, Elliott, Galt, Goodover, Graham, Hafferman, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Mr. President.
Total 41

Noes: Blaylock, Crippen, Eck, Etchart, Haffey, Jacobson, Johnson, Norman, Van Valkenburg.
Total 9

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Senate Bill No. 385 was passed by the following vote:

Ayes: Aklestad, Anderson, Boylan, S. Brown, Crippen, Dover, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hammond, Hazelbaker, Himsl, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, Olson, Ryan, Severson, Smith, Stephens, Story, Thomas, Tveit, Mr. President.
Total 36

Noes: Berg, Blaylock, B. Brown, Conover, Eck, Hager, Halligan, Healy, Jacobson, O'Hara, Regan, Stimatz, Towe, Van Valkenburg.

Total 14

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Senate Bill No. 392 was passed by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 47

Noes: Crippen, Mazurek, Ryan.
Total 3

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Senate Bill No. 396 was passed by the following vote:

Ayes: Aklestad, Berg, Blaylock, S. Brown, Conover, Elliott, Galt, Goodover, Graham, Haffey, Halligan, Hazelbaker, Himsl, Jacobson, Johnson, Kolstad, Manley, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Stephens, Stimatz, Story, Thomas, Towe, Van Valkenburg, Mr. President.
Total 31

Noes: Anderson, Boylan, B. Brown, Crippen, Dover, Eck, Etchart, Hafferman, Hager, Hammond, Healy, Keating, Lee, Manning, Mazurek, Ryan, Severson, Smith, Tveit.
Total 19

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Senate Bill No. 398 was passed by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg.
Total 49

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: Mr. President.
Total 1

Senate Bill No. 405 was passed by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Senate Bill No. 413 was passed by the following vote:

Ayes: Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: Aklestad.
Total 1

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Senate Bill No. 419 was passed by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Mr. President.
Total 48

Noes: Ryan, Van Valkenburg.
Total 2

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Senate Bill No. 424 was passed by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Haffey, Halligan, Hazelbaker, Healy, Himsl, Jacobson, Keating, Kolstad, Lee, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Stephens, Stimatz, Thomas, Towe, Tveit, Mr. President.
Total 42

Noes: Hafferman, Hager, Hammond, Johnson, Manley, Smith, Story, Van Valkenburg.
Total 8

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Senate Bill No. 427 was passed by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Senate Bill No. 428 was passed by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: Ryan.
Total 1

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Senate Bill No. 432 was passed by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek

McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Senate Bill No. 434 was passed by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Haffey, Hager, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 46

Noes: Hafferman.
Total 1

Excused: None.
Total 0

Absent or not voting: Halligan, Johnson, Ryan.
Total 3

Senate Bill No. 455 was passed by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Senate Bill No. 479 was passed by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Senate Joint Resolution No. 13 was passed by the following vote:

Ayes: Anderson, Berg, Blaylock, B. Brown, S. Brown, Conover, Crippen, Eck, Etchart, Galt, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 43

Noes: Aklestad, Boylan, Dover, Elliott, Goodover, Hafferman, Manley.
Total 7

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Senate Joint Resolution No. 20 was passed by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: Olson.
Total 1

At the request of the President, and without objection, the Senate reverted to Order of Business No. 6.

MOTIONS

Upon motion of Senator Stephens, duly carried, the Senate recessed.

Senate recessed at 11:52 a.m.

Senate resumed at 1:30 p.m.

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Hazelbaker in the Chair.

Senate resumed. President Turnage in the Chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on Second Reading, recommend as follows:

That Senate Bill No. 313 do pass. Motion failed by the following vote:

Ayes: Aklestad, Anderson, B. Brown, Crippen, Dover, Etchart, Goodover, Graham, Hager, Hammond, Himsl, Keating, Kolstad, Lee, Manley, Nelson, Ochsner, O'Hara, Olson, Severson, Smith, Story, Tveit, Mr. President.
Total 24

Noes: Berg, Blaylock, Boylan, S. Brown, Conover, Eck, Hafferman, Haffey, Halligan, Hazelbaker, Healy, Jacobson, Johnson, Manning, Mazurek, McCallum, Norman, Regan, Ryan, Stephens, Stimatz, Thomas, Towe, Van Valkenburg.
Total 24

Excused: None.
Total 0

Absent or not voting: Elliott, Galt.
Total 2

That Senate Bill No. 313 be indefinitely postponed. Motion carried by the following vote:

Ayes: Anderson, Berg, Blaylock, Boylan, S. Brown, Conover, Crippen, Eck, Graham, Hafferman, Haffey, Halligan, Hazelbaker, Healy, Jacobson, Johnson, Manning, Mazurek, McCallum, Norman, Regan, Ryan, Stephens, Stimatz, Thomas, Towe, Van Valkenburg.
Total 27

Noes: Aklestad, Dover, Etchart, Goodover, Hager, Hammond, Himsl, Keating, Kolstad, Lee, Manley, Nelson, Ochsner, O'Hara, Olson, Severson, Smith, Story, Tveit, Mr. President.
Total 20

Excused: None.
Total 0

Absent or not voting: B. Brown, Elliott, Galt.
Total 3

That Senate Bill No. 287 be amended as follows:

1. Title, line 5.
Following: line 4
Strike: "DISPOSITION"
Insert: "THE RIGHT OF FIRST REFUSAL TO THE FORMER OWNER"

2. Title, lines 6 and 7.
Following: "USE"
Strike: the remainder of the title

3. Page 1, line 10 through page 3, line 13.
Following: the enacting clause
Strike: Sections 1 through 3 in their entirety
Renumber: subsequent sections

4. Page 3, lines 15 and 16.
Following: "condemnor"
Strike: "possessing fee simple absolute title to"
Insert: "of"

5. Page 3, line 18.
Following: "~~may~~"
Strike: "SHALL"
Insert: "may"

6. Page 3, lines 19 and 20.
Following: "auction"
Strike: "or by sealed bids"

7. Page 3, line 21.
Following: "(2)"
Strike: "The"
Insert: "In the event the condemnor decides to sell an interest in real property as set forth in subsection (1), the"

8. Page 3, line 23.
Following: "for"
Strike: "2"
Insert: "4"

9. Page 3, line 25.
Following: "located."
Insert: "The notice of sale shall contain the information required by 77-2-322."

10. Page 4, lines 1 through 8.
Strike: subsection 3 in its entirety

11. Page 4, line 12.
Following: "interest"
Strike: "has"
Insert: "shall have"

12. Page 4, line 15.
Following: line 14
Strike: "the"
Insert: "a"
Following: "sale"
Insert: "provided for in [section 1]. If more than one person claims an equal entitlement, the option may not be exercised."

13. Page 5, line 5.
Following: line 4
Strike: "through"
Insert: "and"
Following: "~~6~~"
Strike: "5"
Insert: "2"

14. Page 5, line 7.
Following: "1"
Strike: "through"
Insert: "and"
Following: "6"
Strike: "5"
Insert: "2"

15. Page 5, lines 8 and 9.
Strike: Section 7 in its entirety

Amendments passed by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

That Senate Bill No. 287, as amended, do pass by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: S. Brown.
Total 1

Excused: None.
Total 0

Absent or not voting: None.
Total 0

That Senate Bill No. 15 be amended as follows:

1. Title, line 10.
Following: "69-4-332, MCA;"
Strike: "REPEALING"
Insert: "SUSPENDING THE OPERATION OF"

2. Title, line 12.
Following: "DATE"
Insert: "AND A TERMINATION DATE"

3. Page 26, line 21.
Following: "Section 19."
Strike: "repealer. Sections"
Insert: "suspension. The operation of sections"

4. Page 26, line 22.
Following: "are"
Strike: "repealed"
Insert: "suspended until July 1, 1983"

5. Page 26, line 23.
Following: "Effective date"
Insert: "—termination"

6. Page 26, line 24.

Following: "approval"
Insert: "and terminates on July 1, 1983"

Amendments passed by the following vote:

Ayes: Aklestad, Berg, Blaylock, Boylan, B. Brown, Dover, Etchart, Galt, Goodover, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Johnson, Keating, Kolstad, Lee, Manley, Manning, McCallum, Nelson, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 40

Noes: Anderson, S. Brown, Conover, Crippen, Eck, Graham, Mazurek.
Total 7

Excused: None.
Total 0

Absent or not voting: Elliott, Jacobson, Norman.
Total 3

That Senate Bill No. 15, as amended, do pass by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

That Senate Bill No. 17 do pass by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

That Senate Bill No. 109 do pass by the following vote:

Ayes: Aklestad, Anderson, Boylan, Conover, Crippen, Dover, Etchart, Galt, Goodover, Graham, Hafferman, Hammond, Hazelbaker, Healy, Johnson, Keating, Kolstad, Lee, Manley, Manning, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Ryan, Severson, Stephens, Story, Thomas, Tveit.
Total 32

Noes: Berg, Blaylock, B. Brown, S. Brown, Eck, Haffey, Hager, Himsl, Jacobson, Mazurek, Regan, Stimatz, Towe, Van Valkenburg.
Total 14

Excused: None.
Total 0

Absent or not voting: Elliott, Halligan, Smith, Mr. President.
Total 4

That Senate Bill No. 129, without objection, be placed at the bottom of the board.

That Senate Bill No. 131, without objection, be placed below Senate Bill No. 192.

That Senate Bill No. 175 do pass by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

That Senate Bill No. 183 do pass by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

That Senate Bill No. 192, without objection, be placed at the bottom of he board.

That Senate Bill No. 131 be amended as follows:

1. Page 1, line 23.
Following: "fence"
Strike: "encompassing"
Insert: "between"

2. Page 1, line 23.
Following: "property"
Insert: "and any adjacent property still used for agricultural purposes"

Amendments passed by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

That Senate Bill No. 131, as amended, do pass by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

That Senate Bill No. 207 be amended as follows:

1. Page 2, line 24.
Following: "place in"
Strike: "the general appropriations"
Insert: "an appropriation"

Amendment passed by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl,

Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

That Senate Bill No. 207 be amended as follows:

1. Page 2, line 19.
Following: line 18
Strike: "principal"
Insert: "income"

Amendment passed by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

That Senate Bill No. 207, as amended, do pass by the following vote:

Ayes: Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Eck, Galt, Graham, Hafferman, Haffey, Hager, Halligan, Healy, Himsl, Jacobson, Mazurek, Norman, Olson, Regan, Ryan, Severson, Stimatz, Thomas, Towe, Van Valkenburg, Mr. President.
Total 28

Noes: Aklestad, Crippen, Dover, Etchart, Goodover, Hammond, Hazelbaker, Johnson, Keating, Kolstad, Lee, Manley, McCallum, Nelson, Ochsner, O'Hara, Smith, Stephens, Story, Tveit.
Total 20

Excused: None.
Total 0

Absent or not voting: Elliott, Manning.
Total 2

That Senate Bill No. 208 be amended as follows:

1. Page 2, line 7.

Following: "system."
Insert: "Grants and loans may be from current allocations only and no part of the principle or income of the trust referred to in 90-6-211 may be used for this purpose."

Amendment passed by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

That Senate Bill No. 208, as amended, do pass by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

That Senate Bill No. 238 do pass by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

That Senate Bill No. 240, without objection, be placed below Senate Bill No. 300.

That Senate Bill No. 247 do pass by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

That Senate Bill No. 258, without objection, be placed below Senate Bill No. 461.

That Senate Bill No. 282 do pass. Motion failed by the following vote:

Ayes: Anderson, Dover, Galt, Goodover, Graham, Hafferman, Hammond, Johnson, Keating, Kolstad, Lee, Manley, McCallum, Ochsner, O'Hara, Ryan, Story.
Total 17

Noes: Aklestad, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Eck, Etchart, Haffey, Hager, Halligan, Hazelbaker, Healy, Himsl, Jacobson, Mazurek, Nelson, Norman, Olson, Regan, Severson, Smith, Stephens, Stimatz, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 31

Excused: None.
Total 0

Absent or not voting: Elliott, Manning.
Total 2

That Senate Bill No. 282 be indefinitely postponed. Motion carried by the following vote:

Ayes: Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Eck, Etchart, Galt, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Kolstad, Mazurek, McCallum, Nelson, Norman, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 37

Noes: Aklestad, Anderson, Dover, Goodover, Hafferman, Keating, Lee, Manley, Ochsner, O'Hara.
Total 10

Excused: None.
Total 0

Absent or not voting: Elliott, Graham, Manning.
Total 3

That Senate Bill No. 300 do pass by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

That the Committee rise and report and beg leave to sit again. (Hazelbaker, Chairman)

Upon motion of Senator Hazelbaker, duly carried, the foregoing Report of the Committee of the Whole was adopted.

At the request of the President, and without objection, the Senate reverted to Order of Business No. 6.

MOTIONS

Upon motion of Senator Stephens, duly carried, the Senate recessed.

Senate recessed at 3:57 p.m.

Senate resumed at 4:11 p.m.

At the request of the President, and without objection, the Senate reverted to Order of Business No. 2.

REPORTS OF STANDING COMMITTEES

BILLS (O'Hara, Chairman):
Correctly engrossed - SB 50, SB 84, SB 193, SB 195, SB 215, SB 219, SB 246, SB 253, SB 269, SB 284, SB 314, SB 335, SB 354, SB 386, SB 387, SB 390, SB 391, SB 397, SB 442, SB 445, SB 449, SB 450, SB 467, SB 468, SJR 9, SJR 14, SJR 15. Report adopted.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following House Bills were on 2/24/81, passed and transmitted to the Senate for concurrence:

House Bill No. 545, introduced by Sivertsen (99-0)

House Bill No. 555, introduced by Manning (95-4)

House Bill No. 574, introduced by Kitselman (97-2)

House Bill No. 584, introduced by Ellison (99-0)

House Bill No. 761, introduced by Fabrega (91-8)

House Bill No. 12, introduced by Gould (94-4)

House Bill No. 333, introduced by Marks (98-0)

House Bill No. 492, introduced by Meyer (97-0)

House Bill No. 554, introduced by Bergene (57-41)

House Bill No. 662, introduced by Burnett (83-16)

House Bill No. 716, introduced by Fabrega (100-0)

House Bill No. 557, introduced by D. Brown (93-6)

House Bill No. 712, introduced by Hurwitz (94-2)

House Bill No. 724, introduced by Neuman (93-5)

House Bill No. 740, introduced by Switzer (94-4)

House Bill No. 20, introduced by Gould (91-7)

House Bill No. 57, introduced by Azzara (62-37)

House Bill No. 99, introduced by Daily (75-23)

House Bill No. 192, introduced by Moore (98-1)

House Bill No. 284, introduced by Fabrega (99-0)

House Bill No. 320, introduced by Kropp (95-2)

House Bill No. 367, introduced by Dussault (97-2)

House Bill No. 409, introduced by Keyser (81-18)

House Bill No. 430, introduced by Underdal (53-46)

House Bill No. 533, introduced by Huennekens (96-3)

House Bill No. 789, introduced by Yardley (92-7)

House Bill No. 607, introduced by Harp (97-2)

House Bill No. 642, introduced by Bennett (70-27)

House Bill No. 596, introduced by Williams (98-0)

House Bill No. 625, introduced by Fabrega (89-9)

House Bill No. 641, introduced by Quilici (97-2)

House Bill No. 667, introduced by Roth (98-1)

House Bill No. 684, introduced by Lory (98-1)

House Bill No. 685, introduced by Lory (78-19)

House Bill No. 678, introduced by Burnett (97-2)

House Bill No. 689, introduced by Keyser (81-18)

House Bill No. 690, introduced by Keyser (85-14)

House Bill No. 702, introduced by Winslow (94-4)

House Bill No. 706, introduced by Andreason (93-4)

House Bill No. 710, introduced by Kitselman (98-1)

House Bill No. 80, introduced by Pistoria (94-3)

House Bill No. 106, introduced by Switzer (98-0)

House Bill No. 188, introduced by Sales (81-15)

House Bill No. 378, introduced by Hemstad (97-1)

House Bill No. 380, introduced by Hemstad (89-0)

House Bill No. 408, introduced by Cozzens (89-0)

House Bill No. 425, introduced by Meyer (91-6)

House Bill No. 473, introduced by Fabrega (90-6)

House Bill No. 528, introduced by Metcalf (97-0)

House Bill No. 535, introduced by Huennekens (98-1)

House Bill No. 536, introduced by Huennekens (92-4)

House Bill No. 537, introduced by Huennekens (89-9)

House Bill No. 539, introduced by Huennekens (97-2)

House Bill No. 540, introduced by Huennekens (98-0)

House Bill No. 552, introduced by Roush (81-18)

House Bill No. 624, introduced by Williams (93-5)

House Bill No. 693, introduced by Feda (98-1)

House Bill No. 704, introduced by Dussault (92-4)

House Bill No. 26, introduced by Moore (94-2)

House Bill No. 336, introduced by Kanduch (59-40)

House Bill No. 436, introduced by Bardanouve (97-1)

House Bill No. 577, introduced by Harrington (98-0)

House Bill No. 626, introduced by Keedy (70-29)

House Bill No. 639, introduced by Winslow (98-1)

House Bill No. 677, introduced by Cozzens (98-0)

House Bill No. 683, introduced by Fabrega (99-0)

House Bill No. 696, introduced by Kessler (95-3)

The following House Joint Resolutions were on 2/24/81, passed and transmitted to the Senate for concurrence:

House Joint Resolution No. 19, introduced by Bertelsen (97-1)

House Joint Resolution No. 28, introduced by Sales (94-2)

House Joint Resolution No. 22, introduced by Bennett (66-33)

House Joint Resolution No. 18, introduced by Seifert (82-16)

House Joint Resolution No. 29, introduced by Thoft (96-4)

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Hazelbaker in the Chair.

Senate resumed. President Turnage in the Chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on Second Reading, recommend as follows:

That Senate Bill No. 240 be amended as follows:

1. Page 21, lines 21 through 23.
Following: "agency"
Strike: the remainder of subsection (7)

2. Page 24, line 23 through page 25, line 1.
Following: "include"
Strike: the remainder of subsection (6)

Amendments passed by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

That Senate Bill No. 240, as amended, do pass by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

That Senate Bill No. 327 do pass by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Forty-Seventh Legislature

OF THE

State of Montana

Volume II

Held in Helena, the Seat of Government
Commencing in Regular Session January 5, 1981 and
Ending April 23, 1981

Jean Turnage
President of the Senate

John Larson
Secretary of the Senate

Dorothy ZurMuehlen
Journal Clerk

Data Entry Clerks
Patty Taylor
Martha Lowe

PUBLISHED BY
THE MONTANA LEGISLATIVE COUNCIL

Excused: None.
Total 0

Absent or not voting: None.
Total 0

That Senate Bill No. 343 do pass by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Tveit, Van Valkenburg, Mr. President.
Total 47

Noes: Halligan, Regan, Towe.
Total 3

Excused: None.
Total 0

Absent or not voting: None.
Total 0

That Senate Bill No. 348 be amended as follows:

1. Page 1, line 19.
Following: "is"
Strike: "appropriate for"
Insert: "in the best interests of"

2. Page 4, line 24.
Following: "treatment,"
Strike: "appropriate"

3. Page 4, line 25.
Following: "education"
Strike: "or"
Insert: ","
Following: "training"
Strike: ", or both"

4. Page 5, lines 12 and 13.
Following: "is"
Strike: "considered beneficial to"
Insert: "in the best interests of"

5. Page 5, line 13.
Following: "~~every~~"
Insert: "make every"

6. Page 6, line 25.
Following: "~~discharge~~"
Insert: "and a projected date for discharge if any"

Amendments passed by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan

Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

That Senate Bill No. 348 as amended do pass. Motion failed by the following vote:

Ayes: Anderson, Boylan, Galt, Haffey, Hammond, Manley, McCallum, Nelson, Ochsner, O'Hara, Stephens, Stimatz.
Total 12

Noes: Aklestad, Berg, Blaylock, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Goodover, Graham, Hafferman, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Lee, Mazurek, Norman, Regan, Ryan, Severson, Smith, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 34

Excused: None.
Total 0

Absent or not voting: Elliott, Kolstad, Manning, Olson.
Total 4

That Senate Bill No. 348 be indefinitely postponed. Motion carried by the following vote:

Ayes: Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Goodover, Hafferman, Haffey, Hager, Halligan, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Lee, Mazurek, McCallum, Norman, O'Hara, Regan, Severson, Smith, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 35

Noes: Aklestad, Galt, Hammond, Manley, Nelson, Ryan, Stephens.
Total 7

Excused: None.
Total 0

Absent or not voting: Elliott, Etchart, Graham, Kolstad, Manning, Ochsner, Olson, Stimatz.
Total 8

That Senate Bill No. 367 do pass by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Mr. President.
Total 49

Noes: Van Valkenburg.
Total 1

Excused: None.
Total 0

Absent or not voting: None.
Total 0

That Senate Bill No. 370 be amended as follows:

1. Page 1, line 18.
Following: "Beef"
Strike: ""patty" or "beef""

2. Page 10, line 12.
Following: line 11
Strike: "beef patty or"

3. Page 10, line 16.
Following: line 15
Strike: "beef patty or"

4. Page 10, line 18.
Following: "~~hamburger~~"
Strike: "beef patty or"

5. Page 10, line 23.
Following: "~~hamburger~~"
Strike: "beef patty or"

6. Page 11, line 3.
Following: "~~hamburger~~"
Strike: "beef patty or"

Amendments passed by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

That Senate Bill No. 370, as amended, do pass by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manning, Mazurek, McCallum, Nelson, O'Hara, Olson, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Tveit, Van Valkenburg, Mr. President.
Total 45

Noes: Crippen, Manley, Norman, Regan, Towe.
Total 5

Excused: None.
Total 0

Absent or not voting: None.
Total 0

That Senate Bill No. 331 be amended as follows:

1. Page 6, line 1.
Following: "law,"
Insert: "except Title 30, chapter 10, parts 1 through 3,"

Amendment passed by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

That Senate Bill No. 331, as amended, be indefinitely postponed. Motion failed by the following vote:

Ayes: Aklestad, Berg, Boylan, B. Brown, Conover, Eck, Elliott, Galt, Goodover, Graham, Hager, Hazelbaker, Healy, Himsl, Norman, Regan, Ryan, Smith, Stephens, Thomas, Towe, Tveit, Mr. President.
Total 23

Noes: Anderson, Blaylock, S. Brown, Crippen, Dover, Etchart, Hafferman, Haffey, Halligan, Hammond, Jacobson, Johnson, Keating, Lee, Manley, Mazurek, McCallum, Nelson, Ochsner, O'Hara, Severson, Stimatz, Story, Van Valkenburg.
Total 24

Excused: None.
Total 0

Absent or not voting: Kolstad, Manning, Olson.
Total 3

That Senate Bill No. 331, as amended, do pass by the following vote:

Ayes: Anderson, Berg, Blaylock, Boylan, S. Brown, Crippen, Dover, Elliott, Etchart, Hafferman, Haffey, Halligan, Hammond, Healy, Jacobson, Johnson, Keating, Lee, Manley, Mazurek, McCallum, Nelson, Ochsner, O'Hara, Severson, Stimatz, Story, Thomas, Towe, Van Valkenburg.
Total 30

Noes: Aklestad, B. Brown, Conover, Eck, Galt, Goodover, Graham, Hager, Hazelbaker, Himsl, Norman, Regan, Ryan, Smith, Stephens, Tveit, Mr. President.

Total 17

Excused: None.
Total 0

Absent or not voting: Kolstad, Manning, Olson.
Total 3

That the Committee rise and report and beg leave to sit again. (Hazelbaker, Chairman)

Upon motion of Senator Hazelbaker, duly carried, the foregoing Report of the Committee of the Whole was adopted.

At the request of the President, and without objection, the Senate reverted to Order of Business No. 6.

MOTIONS

Upon motion of Senator Stephens, duly carried, the Senate recessed.

Senate recessed at 5:46 p.m.

Senate resumed at 5:55 p.m.

At the request of the President, and without objection, the Senate reverted to Order of Business No. 2.

REPORTS OF STANDING COMMITTEES

The Senate will please take note that the President did, at the hour of 5:15 p.m., 2/24/81, sign the following bills:
HB 250, HB 519.

Jean A. Turnage
President

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Hazelbaker in the Chair.

Senate resumed. President Turnage in the Chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on Second Reading, recommend as follows:

That Senate Bill No. 376 do pass by the following vote:

Ayes: Aklestad, Anderson, Blaylock, Boylan, S. Brown, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Lee, Manley, Mazurek, McCallum, Nelson, O'Hara, Ryan, Severson, Stephens, Stimatz, Story, Thomas, Tveit, Mr. President.
Total 36

Noes: Berg, B. Brown, Conover, Crippen, Halligan, Norman, Ochsner, Regan, Smith, Towe, Van Valkenburg.
Total 11

Excused: None.
Total 0

Absent or not voting: Kolstad, Manning, Olson.
Total 3

That Senate Bill No. 412 be amended as follows:

1. Page 2, line 16.
Following: "program"
Insert: "area"

2. Page 2, line 18.
Following: "for"
Insert: "program areas such as"

3. Page 2, line 20.
Following: "education."
Insert: "Board costs not related to a specific program area may be equitably distributed to program areas as determined by the board."

Amendments passed by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

That Senate Bill No. 412, as amended, be indefinitely postponed. Motion failed by the following vote:

Ayes: Elliott, Etchart, Goodover, Hafferman, Lee, Manley, McCallum, Nelson, Ochsner, Severson, Mr. President.
Total 11

Noes: Aklestad, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Galt, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Mazurek, Norman, Regan, Ryan, Smith, Stephens, Stimatz, Thomas, Towe, Tveit, Van Valkenburg.
Total 33

Excused: None.
Total 0

Absent or not voting: Anderson, Kolstad, Manning, O'Hara, Olson, Story.
Total 6

That Senate Bill No. 412, as amended, do pass by the following vote:

Ayes: Aklestad, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Galt, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Regan, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg.
Total 36

Noes: Elliott, Etchart, Goodover, Keating, Lee, Manley, Ryan, Severson.
Total 8

Excused: None.
Total 0

Absent or not voting: Anderson, Hafferman, Kolstad, Manning, Olson, Mr. President.
Total 6

That Senate Bill No. 426 be amended. Amendment failed by the following vote:

Ayes: Haffey, Healy, Jacobson, Ochsner, Smith, Stimatz, Story, Towe.
Total 8

Noes: Aklestad, Anderson, Berg, Blaylock, B. Brown, S. Brown, Conover, Crippen, Dover, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Hager, Halligan, Hammond, Hazelbaker, Himsl, Johnson, Keating, Lee, Manning, Mazurek, McCallum, Nelson, Norman, O'Hara, Regan, Ryan, Severson, Stephens, Thomas, Tveit, Van Valkenburg, Mr. President.
Total 37

Excused: None.
Total 0

Absent or not voting: Boylan, Eck, Kolstad, Manley, Olson.
Total 5

That Senate Bill No. 426 do pass by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Regan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 47

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: Kolstad, Olson, Ryan.
Total 3

That Senate Bill No. 452 do pass by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

That Senate Bill No. 461 be amended. Amendment failed by the following vote:

Ayes: Blaylock, B. Brown, Conover, Eck, Regan, Towe.
Total 6

Noes: Aklestad, Anderson, Berg, Boylan, S. Brown, Etchart, Galt, Goodover, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Tveit, Van Valkenburg, Mr. President.
Total 36

Excused: None.
Total 0

Absent or not voting: Crippen, Dover, Elliott, Graham, Kolstad, Lee, O'Hara, Olson.
Total 8

That Senate Bill No. 461 do pass by the following vote:

Ayes: Anderson, Berg, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Van Valkenburg, Mr. President.
Total 42

Noes: Aklestad, Blaylock, Regan, Towe, Tveit.
Total 5

Excused: None.
Total 0

Absent or not voting: Kolstad, O'Hara, Olson.
Total 3

That Senate Bill No. 258 be amended. Amendment failed by the following vote:

Ayes: Berg, Blaylock, B. Brown, Halligan, Hazelbaker, Healy, Jacobson, Norman, Ryan, Stimatz, Thomas, Towe, Van Valkenburg.
Total 13

Noes: Aklestad, Anderson, Boylan, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Hammond, Himsl, Johnson, Keating, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Ochsner, O'Hara, Regan, Severson, Smith, Stephens, Story, Mr. President.
Total 34

Excused: None.
Total 0

Absent or not voting: Kolstad, Olson, Tveit.
Total 3

That Senate Bill No. 258 do pass by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Hammond, Hazelbaker, Healy, Himsl,

Jacobson, Johnson, Keating, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Ochsner, O'Hara, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Mr. President.
Total 44

Noes: Halligan, Norman, Van Valkenburg.
Total 3

Excused: None.
Total 0

Absent or not voting: Kolstad, Olson, Tveit.
Total 3

That Senate Bill No. 462 do pass by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

That Senate Bill No. 465 do pass by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

That Senate Bill No. 470 be amended as follows:

1. Page 2, lines 4 through 9.
Following: "water"
Strike: the remainder of line 4 through "greater or" on line 9
Insert: ", with"

Amendment passed by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham,

Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

That Senate Bill No. 470, as amended, do pass by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: Manley.
Total 1

Excused: None.
Total 0

Absent or not voting: None.
Total 0

That Senate Bill No. 475 do pass by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

That the following Statement of Intent be adopted:

STATEMENT OF INTENT: Senate Bill No. 480

A statement of intent is required for this bill because it grants rulemaking authority to the Board of Hearing Aid Dispensers. It is the intent of Section 9 that the Board adopt rules for the purpose of establishing the conditions under which a break in the training of a hearing aid dispenser would require application for a new training license.

That the Statement of Intent be adopted by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

That Senate Bill No. 480 be amended as follows:

1. Title, line 12.
Following: "COSTS;"
Insert: "EXEMPTING AUDIOLOGISTS FROM LICENSURE;"

2. Title, line 12.
Following: "37-16-102,"
Insert: "37-16-103,"

3. Page 8.
Following: line 21
Insert: "Section 5. Section 37-16-103, MCA, is amended to read:

"37-16-103. Exemptions. (1) This chapter does not apply to a person who is a physician licensed to practice by the state board of medical examiners.

(2) This chapter does not apply to a person while he is engaged in the practice of fitting hearing aids if his practice is part of the academic curriculum of a accredited institution of higher education or part of a program conducted by a public agency or by a charitable or nonprofit organization which is primarily supported by voluntary contributions, unless they sell hearing aids.

(3) This chapter does not apply to a person who is licensed to practice as an audiologist by the board of speech pathologists and audiologists.""

Amendments passed by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.

Total 0

Absent or not voting: None.
Total 0

That Senate Bill No. 480, as amended, do pass by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Norman, Ochsner, O'Hara, Olson, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Tveit, Van Valkenburg, Mr. President.
Total 46

Noes: Eck, Nelson, Regan, Towe.
Total 4

Excused: None.
Total 0

Absent or not voting: None.
Total 0

That Senate Bill No. 481 do pass by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

That the Committee rise and report. (Hazelbaker, Chairman)

Upon motion of Senator Hazelbaker, duly carried, the foregoing Report of the Committee of the Whole was adopted.

At the request of the President, and without objection, the Senate reverted to Order of Business No. 2.

REPORTS OF STANDING COMMITTEES

BILLS (O'Hara, Chairman):
Correctly engrossed - SB 155, SB 272, SB 334, SB 362, SB 380, SB 418, SB 463, SJR 10, SJR 17, SJR 22. Report adopted.

Upon motion of Senator Stephens, duly carried, the Senate adjourned at 8:58 p.m. until Wednesday, February 25, at the hour of 9:00 a.m.

JEAN A. TURNAGE
President of the Senate

JOHN W. LARSON
Secretary of the Senate

FORTY-FIFTH LEGISLATIVE DAY

Helena, Montana
February 25, 1981

Senate Chambers
Capitol Building

Senate convened at 9:00 a.m., President Turnage presiding. Invocation by the Chaplain. Pledge of Allegiance to the Flag.

Roll call. All members present except Olson, excused. Quorum present.

Mr. President: We, your Committee on Bills and Journal, having examined the daily journal for the Forty-fourth Legislative Day, find the same to be correct.

O'HARA, Chairman

REPORTS OF STANDING COMMITTEES

BUSINESS AND INDUSTRY (Hazelbaker, Chairman):
HB 183, be concurred in. Report adopted.

MOTIONS

Motion was made by Senator Etchart that Senate Joint Resolution No. 15 be taken from Third Reading and placed on Second Reading this Legislative Day. Motion failed by the following vote:

Ayes: Aklestad, S. Brown, Conover, Dover, Etchart, Galt, Goodover, Hammond, Himsl, Johnson, Kolstad, Lee, McCallum, Nelson, Severson, Smith, Stephens, Thomas, Mr. President.
Total 19

Noes: Anderson, Berg, Blaylock, Boylan, B. Brown, Crippen, Eck, Elliott, Hafferman, Haffey, Halligan, Hazelbaker, Healy, Jacobson, Keating, Manley, Manning, Mazurek, Norman, Ochsner, Regan, Ryan, Stimatz, Towe, Tveit, Van Valkenburg.
Total 26

Excused: None.
Total 0

Absent or not voting: Graham, Hager, O'Hara, Olson, Story.
Total 5

Motion was made by Senator Towe that Senate Bill No. 357 be taken from the Committee on Business and Industry and placed on Second Reading this Legislative Day. Motion failed by the following vote:

Ayes: Berg, Blaylock, Boylan, S. Brown, Conover, Crippen, Eck, Haffey, Halligan, Healy, Jacobson, Manning, Mazurek, Norman, O'Hara, Regan, Ryan, Stimatz, Towe, Van Valkenburg.
Total 20

Noes: Aklestad, Anderson, B. Brown, Dover, Elliott, Etchart, Galt, Goodover, Hafferman, Hager, Hammond, Hazelbaker, Himsl, Johnson, Keating, Kolstad, Lee, Manley, McCallum, Nelson, Ochsner, Severson, Smith, Stephens, Story, Thomas, Tveit, Mr. President.
Total 28

Excused: None.
Total 0

Absent or not voting: Graham, Olson.
Total 2

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

Senate Bill No. 50 was passed by the following vote:

Ayes: Anderson, Berg, Blaylock, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 46

Noes: Aklestad, Boylan.
Total 2

Excused: None.
Total 0

Absent or not voting: Johnson, Olson.
Total 2

Senate Bill No. 84 was passed by the following vote:

Ayes: Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Van Valkenburg, Mr. President.
Total 47

Noes: Aklestad, Tveit.
Total 2

Excused: None.
Total 0

Absent or not voting: Olson.
Total 1

Senate Bill No. 155 was passed by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: Olson.
Total 1

Senate Bill No. 193 was passed by the following vote:

Ayes: Anderson, Berg, Blaylock, Boylan, B. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Jacobson, Johnson, Keating, Kolstad, Lee, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Ryan, Smith, Stephens, Stimatz, Story, Thomas, Towe, Van Valkenburg, Mr. President.
Total 42

Noes: Aklestad, S. Brown, Himsl, Manley, Regan, Severson, Tveit.
Total 7

Excused: None.
Total 0

Absent or not voting: Olson.
Total 1

Senate Bill No. 195 was passed by the following vote:

Ayes: Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Jacobson, Johnson, Keating, Kolstad, Lee, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Ryan, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 44

Noes: Aklestad, Himsl, Manley, Regan, Severson.
Total 5

Excused: None.
Total 0

Absent or not voting: Olson.
Total 1

Senate Bill No. 215 was passed by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Regan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 46

Noes: Manley, Ryan.
Total 2

Excused: None.
Total 0

Absent or not voting: Dover, Olson.
Total 2

Senate Bill No. 219 was passed by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, Conover, Crippen, Dover, Elliott, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Mr. President.
Total 44

Noes: S. Brown, Eck, Etchart, Manley, Van Valkenburg.
Total 5

Excused: None.
Total 0

Absent or not voting: Olson.
Total 1

Senate Bill No. 246 was passed by the following vote:

Ayes: Aklestad, Anderson, Berg, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: Blaylock, Olson.
Total 2

Senate Bill No. 253 was passed by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: Olson.
Total 1

Senate Bill No. 269 was passed by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: None.

Total 0

Absent or not voting: Olson.
Total 1

Senate Bill No. 272 was passed by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Manley, Manning, McCallum, Nelson, Norman, Ochsner, O'Hara, Regan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 46

Noes: Lee, Ryan.
Total 2

Excused: None.
Total 0

Absent or not voting: Mazurek, Olson.
Total 2

Senate Bill No. 284 was passed by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: Olson.
Total 1

Senate Bill No. 314 was passed by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: Olson.
Total 1

Senate Bill No. 334 was passed by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: Olson.
Total 1

Senate Bill No. 335 was passed by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: Olson.
Total 1

Senate Bill No. 354 was passed by the following vote:

Ayes: Aklestad, Anderson, Berg, B. Brown, S. Brown, Conover, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Regan, Severson, Smith, Stephens, Stimatz, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 43

Noes: Blaylock, Boylan, Crippen, Johnson, Story.
Total 5

Excused: None.
Total 0

Absent or not voting: Olson, Ryan.
Total 2

Senate Bill No. 362 was passed by the following vote:

Ayes: Anderson, Berg, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hazelbaker, Healy, Jacobson, Keating, Kolstad, Lee, Manning, Mazurek, McCallum, Norman, Regan, Ryan, Smith, Stephens, Stimatz, Thomas, Towe, Van Valkenburg, Mr. President.

Total 35

Noes: Aklestad, Boylan, Hafferman, Hammond, Himsl, Johnson, Manley, Nelson, Ochsner, O'Hara, Severson, Story, Tveit.
Total 13

Excused: None.
Total 0

Absent or not voting: Blaylock, Olson.
Total 2

Senate Bill No. 380 was passed by the following vote:

Ayes: Anderson, B. Brown, Crippen, Etchart, Goodover, Graham, Hafferman, Haffey, Hager, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, McCallum, Nelson, Norman, Ochsner, Ryan, Smith, Stephens, Stimatz, Story, Thomas, Van Valkenburg, Mr. President.
Total 32

Noes: Aklestad, Berg, Blaylock, Boylan, S. Brown, Conover, Dover, Eck, Elliott, Galt, Halligan, Mazurek, Regan, Severson, Towe, Tveit.
Total 16

Excused: None.
Total 0

Absent or not voting: O'Hara, Olson.
Total 2

Senate Bill No. 386 failed to pass by the following vote:

Ayes: Berg, Blaylock, B. Brown, S. Brown, Conover, Crippen, Eck, Graham, Hafferman, Haffey, Hager, Halligan, Hazelbaker, Healy, Himsl, Jacobson, Manning, Mazurek, Norman, O'Hara, Regan, Stimatz, Towe, Van Valkenburg.
Total 24

Noes: Aklestad, Anderson, Boylan, Dover, Elliott, Etchart, Galt, Goodover, Hammond, Johnson, Keating, Kolstad, Lee, Manley, McCallum, Nelson, Ochsner, Ryan, Severson, Smith, Stephens, Story, Thomas, Tveit, Mr. President.
Total 25

Excused: None.
Total 0

Absent or not voting: Olson.
Total 1

Senate Bill No. 387 was passed by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: Keating.
Total 1

Excused: None.
Total 0

Absent or not voting: Olson.
Total 1

Senator Olson entered the Senate Chamber at 9:39 a.m.

Senate Bill No. 390 was passed by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Senate Bill No. 391 was passed by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Senate Bill No. 397 was passed by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Senate Bill No. 418 was passed by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Senate Bill No. 442 was passed by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Senate Bill No. 445 was passed by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Van Valkenburg, Mr. President.
Total 49

Noes: Tveit.
Total 1

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Senate Bill No. 449 was passed by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Senate Bill No. 450 was passed by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Senate Bill No. 463 was passed by the following vote:

Ayes: Anderson, Berg, Blaylock, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 46

Noes: Aklestad, Boylan, Galt, Goodover.
Total 4

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Senate Bill No. 467 was passed by the following vote:

Ayes: Anderson, Berg, Blaylock, Boylan, B. Brown, Conover, Crippen, Dover, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Jacobson, Johnson, Keating, Kolstad, Lee, Manning, Mazurek, McCallum, Nelson, Norman,

Ochsner, O'Hara, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 43

Noes: Aklestad, S. Brown, Eck, Himsl, Manley, Olson, Regan.
Total 7

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Senate Bill No. 468 was passed by the following vote:

Ayes: Aklestad, Anderson, Berg, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: Blaylock, Ryan.
Total 2

Senate Joint Resolution No. 9 was passed by the following vote:

Ayes: Aklestad, Anderson, Blaylock, Boylan, B. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: Berg, S. Brown.
Total 2

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Senate Joint Resolution No. 10 was passed by the following vote:

Ayes: Aklestad, Anderson, Berg, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: Blaylock.
Total 1

Senate Joint Resolution No. 14 was passed by the following vote:

Ayes: Anderson, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Haffey, Hager, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Manley, Manning, McCallum, Nelson, Ochsner, O'Hara, Olson, Ryan, Severson, Stephens, Stimatz, Story, Thomas, Towe, Mr. President.
Total 39

Noes: Aklestad, Berg, Hafferman, Halligan, Lee, Mazurek, Norman, Regan, Smith, Tveit, Van Valkenburg.
Total 11

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Senate Joint Resolution No. 15 was passed by the following vote:

Ayes: Anderson, Berg, Blaylock, Boylan, B. Brown, Conover, Crippen, Dover, Eck, Graham, Hafferman, Haffey, Halligan, Hazelbaker, Healy, Jacobson, Johnson, Keating, Kolstad, Manley, Manning, Mazurek, Norman, Ochsner, Olson, Regan, Ryan, Severson, Stephens, Stimatz, Story, Towe, Van Valkenburg.
Total 33

Noes: Aklestad, S. Brown, Elliott, Etchart, Galt, Goodover, Hager, Hammond, Himsl, Lee, McCallum, Nelson, O'Hara, Smith, Thomas, Tveit, Mr. President.
Total 17

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Senate Joint Resolution No. 17 was passed by the following vote:

Ayes: Aklestad, Anderson, Berg, Boylan, B. Brown, S. Brown, Conover, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 46

Noes: Blaylock, Crippen, Halligan, Manley.
Total 4

Excused: None.
Total 0

Absent or not voting: None.

Total 0

Senate Joint Resolution No. 22 was passed by the following vote:

Ayes: Anderson, Berg, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 43

Noes: Aklestad, Blaylock, Boylan, Hafferman, Manley, Story.
Total 6

Excused: None.
Total 0

Absent or not voting: Hammond.
Total 1

At the request of the President, and without objection, the Senate reverted to Order of Business No. 6.

MOTIONS

Senator Stephens moved the the rules of the Forty-seventh Legislature be temporarily suspended in order to place SB 15, SB 17, SB 109, SB 131, SB 175, SB 183, SB 207, SB 208, SB 238, SB 240, SB 247, SB 258, SB 287, SB 300, SB 327, SB 331, SB 343, SB 367, SB 370, SB 376, SB 412, SB 426, SB 452, SB 461, SB 462, SB 465, SB 470, SB 475, SB 480, SB 481 on Third Reading for consideration this Legislative Day. Motion carried by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: Galt, Regan.
Total 2

At the request of Senator Aklestad, without objection, his vote on Senate Joint Resolution No. 14 was changed from "aye" to "no".

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Ryan in the Chair.

Senate resumed. President Turnage in the Chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on Second Reading, recommend as follows:

That Senate Bill No. 483 do pass by the following vote:

Ayes: Anderson, Berg, Blaylock, Boylan, S. Brown, Conover, Crippen, Elliott, Galt, Goodover, Graham, Haffey, Halligan, Hazelbaker, Healy, Himsl, Keating, Manning, Mazurek, Nelson, Norman, Ochsner, Regan, Ryan, Severson, Stephens, Stimatz, Thomas, Towe, Van Valkenburg, Mr. President.
Total 31

Noes: Aklestad, Dover, Etchart, Hager, Kolstad, Lee, Manley, McCallum, O'Hara, Olson, Smith, Story, Tveit.
Total 13

Excused: None.
Total 0

Absent or not voting: B. Brown, Eck, Hafferman, Hammond, Jacobson, Johnson.
Total 6

That Senate Joint Resolution No. 8 be amended as follows:

1. Page 3, line 17.
Following: "energy"
Insert: "coal board,"

Amendment passed by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

That Senate Joint Resolution No. 8, as amended, do pass by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

That Senate Joint Resolution No. 19 do pass by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

That Senate Joint Resolution No. 21 be amended as follows:

1. Page 2, line 5.
Following: "project"
Insert: "; and

WHEREAS, the entire Legislature should approve any plan with regard to the allocation of space in connection with any remodeling or renovation project involving the location of legislative offices, hearing rooms, and chambers"

2. Page 2, line 9 through page 3, line 3.
Following: line 8
Strike: paragraph (1) in its entirety
Insert: "(1) That the 47th Legislature expresses its clear intent to occupy the following areas for use as legislative offices, hearing rooms, chambers, and associated offices:

(a) space now occupied by the Superintendent of Public Instruction and committee rooms;

(b) space now occupied by the Supreme Court Justices' chambers and the State Law Library;

(c) saving the historic chamber now occupied by the Supreme Court;

(d) space currently occupied by the Senate chambers;

(e) renovating the Capitol facade so as to protect the history and tradition that it represents."

3. Page 3, lines 6 through 11.
Following: line 5
Strike: paragraph (3) in its entirety
Insert: "(3) That the Legislature assigns to the Long Range Building Committee the responsibility of preparing and presenting various options for the utilization, preservation, and remodeling of this space.

(4) That the offices of the Legislative Fiscal Analyst, Legislative Council, and Legislative Auditor be in the Capitol Building.

(5) That the Legislature as a whole adopt the final plan for utilization, remodeling, and preservation of the above designated space."

Amendments passed by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

That Senate Joint Resolution No. 21 be amended as follows:

1. Subparagraph (3).
Following: "assigns to the"
Strike: "Long Range Building Committee"
Insert: "Select Committee of the Legislature appointed by the minority and majority leaders of each house."

Amendment passed by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: Etchart.
Total 1

Excused: None.
Total 0

Absent or not voting: None.
Total 0

That Senate Joint Resolution No. 21, as amended, do pass by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.

Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

That Senate Bill No. 129 be amended as follows:

1. Page 7, line 20.
Following: line 19
Strike: "INSURER"
Insert: "insured"

Amendment passed by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

That Senate Bill No. 129, as amended, do pass by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

That Senate Bill No. 192 be amended as follows:

1. Title, line 5.
Following: "YEARS;"
Strike: "AND"

2. Title, line 7.
Following: "CYCLE;"

Insert: "AND TO REQUIRE THE MARKET VALUE DURING A CYCLE MEANS MARKET VALUE FOR ALL CLASSES AS OF THE SAME DATE;"

3. Title, line 7.
Following: "AMENDING"
Strike: "SECTION"
Insert: "SECTIONS 15-7-103 AND"

4. Title, line 8.
Following: "MCA"
Insert: "AND PROVIDING AN APPLICATION DATE"

5. Page 2, line 3.
Following: line 2
Insert: "Section 2. Section 15-7-103, MCA, is amended to read:

"15-7-103. Classification and appraisal — general and uniform methods. (1) It is the duty of the department of revenue to implement the provisions of 15-7-101 through 15-7-103 by providing:

(a) for a general and uniform method of classifying lands in the state for the purpose of securing an equitable and uniform basis of assessment of said lands for taxation purposes;

(b) for a general and uniform method of appraising city and town lots;

(c) for a general and uniform method of appraising rural and urban improvements;

(d) for a general and uniform method of appraising timberlands.

(2) All lands shall be classified according to their use or uses and graded within each class according to soil and productive capacity. In such classification work, use shall be made of soil surveys and maps and all other pertinent available information.

(3) All lands must be classified by 40-acre tracts or fractional lots.

(4) All agricultural lands must be classified and appraised as agricultural lands without regard to the best and highest value use of adjacent or neighboring lands.

(5) ~~In any periodic revaluation of taxable property completed under the provisions of 15-7-111 after January 1, 1979, all property classified in [16-6-112] must be appraised on its market value in the same year.~~ The market value of all classes of property during a cycle under 15-7-111 through 15-7-114 shall be based on market value as of the same date. The department must publish a rule specifying the ~~year~~ date used in the appraisal."

Section 3. Coordination. Section 12 of Senate Bill 243 deletes Section 15-7-103(5), MCA. If Senate Bill 483 is passed and approved then this act reenacts Section 15-7-103(5) as it appears in Section 2.

Section 4. Applicability. This act applied to property revaluation cycles that begin after the end of the cycle that began in January of 1979."

Amendments passed by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham,

Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

That Senate Bill No. 192, as amended, do pass by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

That the Committee rise and report. (Ryan, Chairman)

Upon motion of Senator Ryan, duly carried, the foregoing Report of the Committee of the Whole was adopted.

At the request of the President, and without objection, the Senate reverted to Order of Business No. 6.

MOTIONS

Senator Stephens moved that the rules of the Forty-seventh Legislative Session be temporarily suspended in order to place SB 129, SB 192, SB 483, SJR 8, SJR 19, and SJR 21 on Third Reading for consideration this Legislative Day. Motion carried by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: None.

Total 0

Absent or not voting: Story.
Total 1

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

Senate Bill No. 15 was passed by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Senate Bill No. 17 was passed by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Senate Bill No. 109 was passed by the following vote:

Ayes: Aklestad, Anderson, Boylan, Conover, Crippen, Dover, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Halligan, Hammond, Hazelbaker, Healy, Keating, Kolstad, Lee, Manley, Manning, McCallum, Nelson, Norman, Ochsner, Olson, Ryan, Severson, Stephens, Stimatz, Story, Thomas, Tveit, Mr. President.
Total 35

Noes: Berg, Blaylock, B. Brown, S. Brown, Eck, Hager, Himsl, Jacobson, Mazurek, O'Hara, Regan, Towe, Van Valkenburg.
Total 13

Excused: None.

Total 0

Absent or not voting: Johnson, Smith.
Total 2

Senate Bill No. 131 was passed by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: Himsl.
Total 1

Excused: None.
Total 0

Absent or not voting: Stephens.
Total 1

Senate Bill No. 175 was passed by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Graham, Hafferman, Haffey, Hager, Halligan, Hazelbaker, Healy, Himsl, Jacobson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 46

Noes: Goodover, Hammond, O'Hara.
Total 3

Excused: None.
Total 0

Absent or not voting: Johnson.
Total 1

Senate Bill No. 183 was passed by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Mr. President.
Total 49

Noes: Van Valkenburg.
Total 1

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Senate Bill No. 207 was passed by the following vote:

Ayes: Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Eck, Galt, Graham, Haffey, Hager, Halligan, Hazelbaker, Healy, Himsl, Jacobson, Manning, Mazurek, Norman, O'Hara, Olson, Regan, Ryan, Severson, Stimatz, Thomas, Towe, Van Valkenburg, Mr. President.
Total 30

Noes: Aklestad, Crippen, Dover, Elliott, Etchart, Goodover, Hafferman, Hammond, Keating, Kolstad, Lee, Manley, McCallum, Nelson, Ochsner, Smith, Stephens, Story, Tveit.
Total 19

Excused: None.
Total 0

Absent or not voting: Johnson.
Total 1

Senate Bill No. 208 was passed by the following vote:

Ayes: Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Keating, Kolstad, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Regan, Ryan, Severson, Stephens, Stimatz, Story, Thomas, Towe, Van Valkenburg, Mr. President.
Total 43

Noes: Aklestad, Lee, Manley, Olson, Smith, Tveit.
Total 6

Excused: Johnson.
Total 1

Absent or not voting: None.
Total 0

Senate Bill No. 238 was passed by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Johnson.
Total 1

Absent or not voting: None.
Total 0

Senate Bill No. 240 was passed by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith,

Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Johnson.
Total 1

Absent or not voting: None.
Total 0

Senate Bill No. 247 was passed by the following vote:

Ayes: Anderson, Berg, Blaylock, Boylan, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Healy, Himsl, Jacobson, Keating, Manley, Mazurek, Norman, O'Hara, Regan, Ryan, Severson, Stephens, Stimatz, Thomas, Towe, Van Valkenburg.
Total 34

Noes: Aklestad, B. Brown, Kolstad, Lee, McCallum, Nelson, Ochsner, Olson, Smith, Story, Tveit, Mr. President.
Total 12

Excused: Johnson.
Total 1

Absent or not voting: Galt, Hazelbaker, Manning.
Total 3

Senate Bill No. 258 was passed by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Mr. President.
Total 46

Noes: Halligan, Norman, Van Valkenburg.
Total 3

Excused: Johnson.
Total 1

Absent or not voting: None.
Total 0

Senate Bill No. 287 was passed by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Johnson.
Total 1

Absent or not voting: None.
Total 0

Senate Bill No. 300 was passed by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Johnson.
Total 1

Absent or not voting: None.
Total 0

Senate Bill No. 327 was passed by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: Regan.
Total 1

Excused: Johnson.
Total 1

Absent or not voting: None.
Total 0

Senate Bill No. 331 failed to pass by the following vote:

Ayes: Anderson, Blaylock, S. Brown, Crippen, Dover, Elliott, Etchart, Hafferman, Haffey, Halligan, Jacobson, Johnson, Keating, Manley, Mazurek, McCallum, O'Hara, Severson, Stimatz, Thomas, Towe, Van Valkenburg.
Total 22

Noes: Aklestad, Berg, Boylan, B. Brown, Conover, Eck, Galt, Goodover, Graham, Hager, Hammond, Hazelbaker, Healy, Himsl, Kolstad, Manning, Nelson, Norman, Ochsner, Olson, Regan, Ryan, Smith, Stephens, Story, Tveit, Mr. President.
Total 27

Excused: None.
Total 0

Absent or not voting: Lee.

Total 1

(Including the following pair: Johnson, aye - Smith, no.)

Senate Bill No. 343 was passed by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Ochsner, O'Hara, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 46

Noes: Halligan, Norman, Olson.
Total 3

Excused: Johnson.
Total 1

Absent or not voting: None.
Total 0

Senate Bill No. 367 was passed by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Stephens, Stimatz, Story, Thomas, Towe, Mr. President.
Total 45

Noes: Norman, Smith, Tveit, Van Valkenburg.
Total 4

Excused: Johnson.
Total 1

Absent or not voting: None.
Total 0

Senate Bill No. 370 was passed by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Ochsner, O'Hara, Olson, Severson, Smith, Stephens, Stimatz, Story, Thomas, Tveit, Van Valkenburg, Mr. President.
Total 44

Noes: Halligan, Norman, Regan, Ryan, Towe.
Total 5

Excused: Johnson.
Total 1

Absent or not voting: None.
Total 0

Senate Bill No. 376 was passed by the following vote:

Ayes: Aklestad, Anderson, Blaylock, Boylan, S. Brown, Conover, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager,

Hammond, Hazelbaker, Healy, Himsl, Jacobson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, O'Hara, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Tveit, Mr. President.
Total 39

Noes: Berg, B. Brown, Crippen, Halligan, Norman, Ochsner, Regan, Towe, Van Valkenburg.
Total 9

Excused: Johnson.
Total 1

Absent or not voting: Olson.
Total 1

Senate Bill No. 412 was passed by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Galt, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Manning, Mazurek, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Smith, Stephens, Stimatz, Thomas, Towe, Van Valkenburg.
Total 37

Noes: Elliott, Etchart, Goodover, Keating, Kolstad, Lee, Manley, McCallum, Severson, Story, Tveit, Mr. President.
Total 12

Excused: Johnson.
Total 1

Absent or not voting: None.
Total 0

Senate Bill No. 426 was passed by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Keating, Kolstad, Lee, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: Manley.
Total 1

Excused: Johnson.
Total 1

Absent or not voting: None.
Total 0

Senate Bill No. 452 was passed by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Keating, Kolstad, Lee, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg.
Total 46

Noes: Manley.
Total 1

Excused: Johnson.
Total 1

Absent or not voting: Ryan, Mr. President.
Total 2

Senate Bill No. 461 was passed by the following vote:

Ayes: Aklestad, Anderson, Berg, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Tveit, Van Valkenburg, Mr. President.
Total 46

Noes: Blaylock, Regan, Towe.
Total 3

Excused: Johnson.
Total 1

Absent or not voting: None.
Total 0

Senate Bill No. 462 was passed by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Johnson.
Total 1

Absent or not voting: Graham.
Total 1

Senate Bill No. 465 was passed by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Johnson.
Total 1

Absent or not voting: None.
Total 0

Senate Bill No. 470 was passed by the following vote:

Ayes: Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: Aklestad.
Total 1

Excused: Johnson.
Total 1

Absent or not voting: None.
Total 0

Senate Bill No. 475 was passed by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Johnson.
Total 1

Absent or not voting: None.
Total 0

Senate Bill No. 480 was passed by the following vote:

Ayes: Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Hammond, Hazelbaker, Healy, Jacobson, Keating, Kolstad, Lee, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg.
Total 42

Noes: Aklestad, Eck, Halligan, Himsl, Manley, Regan.
Total 6

Excused: Johnson.
Total 1

Absent or not voting: Mr. President.
Total 1

Senate Bill No. 481 was passed by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg.
Total 48

Noes: None.
Total 0

Excused: Johnson.
Total 1

Absent or not voting: Mr. President.
Total 1

Senate Bill No. 483 was passed by the following vote:

Ayes: Anderson, Berg, Blaylock, B. Brown, S. Brown, Conover, Crippen, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Halligan, Hazelbaker, Healy, Himsl, Jacobson, Keating, Manning, Mazurek, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Thomas, Towe, Van Valkenburg, Mr. President.
Total 38

Noes: Aklestad, Boylan, Dover, Hager, Hammond, Kolstad, Lee, Manley, McCallum, Story, Tveit.
Total 11

Excused: Johnson.
Total 1

Absent or not voting: None.
Total 0

Senate Joint Resolution No. 8 was passed by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Johnson.
Total 1

Absent or not voting: None.
Total 0

Senate Joint Resolution No. 19 was passed by the following vote:

Ayes: Aklestad, Anderson, Berg, Boylan, S. Brown, Conover, Crippen, Dover, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman,

Ochsner, O'Hara, Olson, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 45

Noes: Blaylock, Eck, Regan.
Total 3

Excused: Johnson.
Total 1

Absent or not voting: B. Brown.
Total 1

Senate Joint Resolution No. 21 was passed by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: Ryan.
Total 1

Excused: Johnson.
Total 1

Absent or not voting: None.
Total 0

Senate Bill No. 129 was passed by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Johnson.
Total 1

Absent or not voting: None.
Total 0

Senate Bill No. 192 was passed by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Goodover, Graham, Hafferman, Haffey, Hager, Hammond, Hazelbaker, Healy, Jacobson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Mr. President.
Total 45

Noes: Halligan, Himsl, Van Valkenburg.

Total 3

Excused: Johnson.
Total 1

Absent or not voting: Galt.
Total 1

At the request of the President, and without objection, the Senate reverted to Order of Business No. 3.

REPORTS OF SELECT COMMITTEES

Upon motion of Senator Stephens, duly carried, that the President be authorized to appoint a Select Committee of three to inform the House of Representatives that the Senate has completed its transmittal business and that the Senate will adjourn until the hour of 3:00 p.m., on Monday, March 2, 1981.

The President appointed the following committee:

Senator S. Brown, Chairman
Senator McCallum
Senator Hazelbaker

Senator McCallum reported the House of Representatives was notified and that they consented.

Upon motion of Senator Stephens, duly carried, the Senate adjourned at 11:46 a.m. until Monday, March 2, at the hour of 3:00 p.m.

JEAN A. TURNAGE
President of the Senate

JOHN W. LARSON
Secretary of the Senate

FORTY-SIXTH LEGISLATIVE DAY

Helena, Montana
March 2, 1981

Senate Chambers
Capitol Building

Senate convened at 3:00 p.m., President Turnage presiding. Invocation by the Chaplain. Pledge of Allegiance to the Flag.

Roll call. All members present except J. Johnson, Stephens, excused; Keating, Graham, absent. Quorum present.

Mr. President: We, your Committee on Bills and Journal, having examined the daily journal for the Forty-fifth Legislative Day, find the same to be correct.

O'HARA, Chairman

REPORTS OF STANDING COMMITTEES

TAXATION (Goodover, Chairman):
SB 345, introduced bill, be amended as follows:

1. Page 1, line 25.
Following: "may"
Insert: "upon compliance with subsection (1)"

2. Page 2, line 4.
Following: "owners"
Insert: "within the proposed district boundaries"

3. Page 2, line 5.
Following: "if"
Strike: "a"

4. Page 2, line 6.
Following: line 5
Strike: "majority"
Insert: "60%"

5. Page 5, line 24.
Following: "owners"
Insert: "within the proposed district boundaries"

6. Page 5, line 25.
Following: "if"
Strike: "a majority"
Insert: "60%"

And, as so amended, do pass. Report adopted.

SB 21, do not pass.

Thereupon, the Adverse Committee Report was adopted by the following roll call vote:

Ayes: Aklestad, Anderson, Boylan, B. Brown, Crippen, Dover, Elliott, Etchart, Galt, Goodover, Hager, Hammond, Hazelbaker, Healy, Himsl, Kolstad, Lee, Manley, McCallum, Nelson, Ochsner, O'Hara, Olson, Smith, Story, Thomas, Tveit, Mr. President.
Total 28

Noes: Berg, Blaylock, Conover, Eck, Hafferman, Haffey, Halligan, Jacobson, Mazurek, Norman, Regan, Ryan, Severson, Stimatz, Towe, Van Valkenburg.

Total 16

Excused: Johnson, Stephens.
Total 2

Absent or not voting: S. Brown, Graham, Keating, Manning.
Total 4

MESSAGES FROM THE GOVERNOR

February 26, 1981

The Honorable Jean A. Turnage
President of the Senate
Montana Senate
State Capitol
Helena, Montana 59620

Dear Mr. President:

This is to inform you that I have signed the following measure this date:

Senate Bill No. 340.

Sincerely,

TED SCHWINDEN
Governor

March 2, 1981

The Honorable Jean Turnage
President, Montana State Senate
State Capitol
Helena, Montana 59620

The Honorable Bob Marks
Speaker of the House
State Capitol
Helena, Montana 59620

Dear President Turnage and Speaker Marks:

In accordance with the power vested in me as Governor by the constitution and the laws of the State of Montana, I hereby veto House Bill No. 250, "AN ACT TO GENERALLY REDUCE PERSONAL INCOME TAX LIABILITY AND TO ADJUST THE AMOUNT OF EXEMPTION DEDUCTION BECAUSE OF A STATE BUDGET EXCESS; AMENDING SECTIONS 1, 3, 4, AND 5 OF INITIATIVE NO. 86 AND SECTION 9, CHAPTER 698, LAWS OF 1979; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

The Executive Budget submitted on January 12 incorporated my pledge to provide reductions of $109 million to Montana taxpayers who need relief the most —- the elderly, the middle and low income citizens, and the owners of personal vehicles. I intend to stand by that commitment.

The sponsor of HB 250 wrote me last week relative to the importance of "fiscal discipline" in state government. I have long recognized the need for fiscal discipline in and out of state government —- it characterizes my form of management, motivated my candidacy for the office of governor and is a top priority of this administration.

The Legislature, too, must demonstrate its commitment to "fiscal discipline" by establishing, and sharing with my office and the people of Montana, responsible revenue estimates and spending levels for state government. Those amounts, which taken together represent the state budget, have not been made public by the Republican leadership. To the contrary, appropriations already approved by the legislative subcommittees, added to the cost of the Foundation Program initiated and supported by the House majority, exceed my biennial general fund budget recommendations by at least $40 million —- and enactment of HB 250 would cost an additional $24 million!

I am deeply disappointed that the Republican leadership has rushed this legislation to my desk. Why? Because approval of significant tax reductions prior to agreement on revenue estimates and spending levels repudiates the doctrine of "fiscal discipline" advanced by Rep. Nordtvedt.

Last December we mutually pledged cooperation, and the first half of the 47th session has been remarkably, and rewardingly, free of confrontation and partisan rhetoric. Montana and Montanans are better off for that. That spirit of cooperation is now threatened in the very area where it is most vital —- the state budget process. Despite repeated pleas, the Republican leadership has failed to provide a balanced budget package for public examination. I had hoped, and expected, that the tax proposals submitted by the governor would be accorded equal consideration in the legislative process. But look at the record.

Governor's Proposals		Legislative Action
SB 337	Property tax relief for the elderly	None!
SB 355	Flat-fee vehicle licensing	None!
SB 356	Oil severance tax increase	None!
HB 559	Removal of surtax for 90% of Montana taxpayers	None!
HB 614	Amendments to tax indexing	None!
HB 757	School Foundation program	None!

On February 20, I respectfully requested the Republican leadership to defer action on HB 250 until we had a better idea of appropriation levels, and a clearer understanding of the impacts on Montana of the federal budget President Reagan will send to Congress on March 10. Announced federal cuts in Medicaid funding alone could cost the state $10 million or more.

The unwillingness of the leadership to cooperate in budget matters speaks not of "fiscal discipline," but of partisan politics. The enactment of major tax legislation in advance of agreement on a balanced budget is unacceptable fiscally, however advantageous politically.

No governor is insensitive to the political consequences of his actions —- particularly when he is placed in the awkward position of rejecting partisan legislation mislabeled as "tax relief." Political sensitivity, however, must always give way to political responsibility.

I am vetoing HB 250 and returning it to the legislature, knowing full well that action will return the personal exemption level to $1,250. Responsible consideration of HB 614 can address that issue. The political game has been played, now let us sit down together and take a hard look at Montana's budget picture. Fiscal cooperation has worked well in session after session —- it will work just as well in 1981.

Olive branches are impressive gestures, but gestures do not create balanced budgets —- cooperation and hard work do. I am ready and anxious to begin.

Sincerely,

TED SCHWINDEN
Governor

February 27, 1981

The Honorable Jean A. Turnage
President of the Senate
State Capitol Bldg.
Helena, Montana 59620

The Honorable Robert L. Marks
Speaker of the House
State Capitol Bldg.
Helena, Montana 59620

Dear Senator Turnage and Representative Marks:

In accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby return House Bill 139, "A BILL FOR AN ACT TO REMOVE THE ANNUAL ELECTIONS OF FIRE DISTRICTS, HOSPITAL DISTRICTS, IRRIGATION DISTRICTS, AND DRAINAGE DISTRICTS FROM THE CONSOLIDATING PROVISIONS OF TITLE 13; TO PROVIDE THAT THE ELECTIONS FOR SUCH POLITICAL SUBDIVISIONS BE HELD ON SCHOOL ELECTION DAY, THE FIRST TUESDAY OF APRIL, EITHER IN COOPERATION WITH A SCHOOL DISTRICT OR AT ANOTHER CONVENIENT LOCATION WITHIN THE POLITICAL SUBDIVISION; TO PROVIDE FOR A MANNER OF CONDUCTING SUCH ELECTIONS, NAMING QUALIFIED ELECTORS, AND NOMINATING CANDIDATES FOR OFFICE; AMENDING SECTIONS 7-33-2106, 7-34-2116 THROUGH 7-34-2118, 13-1-104, 13-1-301, 13-1-302, 85-7-1702, 85-7-1710, 85-8-302, 85-8-304, AND 85-8-306, MCA; REPEALING SECTION 85-8-303, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE" without my signature and recommend the attached amendments.

I propose that in Section 13-1-104(3), (Section 6), an election administrator have the option to appoint a deputy election administrator rather than be required to do so. Also, as the proposed amendments indicate, the words "election administrator" have been added to certain sections of the bill in order to make the sections consistent with situations where the election administrator does not appoint a deputy.

Further, Section 13-1-104(3), (Section 6), provides that a deputy election administrator is responsible for the conduct of the annual election of a political subdivision, as provided by Section 8. Section 8 provides that a political subdivision may conduct its annual election at an annual meeting of the political subdivision or at another convenient location subject to 13-1-104(3). When Sections 6 and 8 are read together a question arises as to the authority of the deputy election administrator to determine the conduct of an election.

The problem can be solved by inserting language in Section 8 which requires a political subdivision to secure the consent of the election or deputy election administrator when determining the conduct of an election. This proposed amendment will allow the political subdivision and the election or deputy election administrator to work together to coordinate voting places for different special district elections when such coordination is desirable. This amendment assures that the election administrator actively participates in establishing the conduct of an election.

I urge your concurrence in these amendments.

Sincerely,

TED SCHWINDEN
Governor

PROPOSED GOVERNOR'S AMENDMENTS TO HOUSE BILL 139

1. Page 2, line 18.
Following: "the"
Insert: "election administrator or"

2. Page 3, line 19.
Following: "the"
Insert: "election administrator or"

3. Page 6, line 4.
Following: "administrator"
Strike: "is responsible for"
Insert: "may"

4. Page 6, line 5.
In the word: "appointing"
Strike: "ing"

5. Page 6, line 7.
Following: "Each"
Insert: "election administrator or"

6. Page 7, line 20.
Following: "The"
Insert: "election administrator or"

7. Page 7, line 24.
Following: "may"
Insert: ", with the consent of the election or deputy election administrator,"

8. Page 8, line 3.
Following: "The"
Insert: "election administrator or"

9. Page 8, line 8.
Following: "The"
Insert: "election administrator or"

10. Page 8, line 15.
Following: "the"
Insert: "election administrator or"

11. Page 13, line 17.
Following: "~~county~~"
Insert: "election administrator or"

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following House Joint Resolutions were on 2/25/81, passed and transmitted to the Senate for concurrence:

House Joint Resolution No. 42, introduced by Brown (93-3)

House Joint Resolution No. 30, introduced by Smith (92-1)

House Joint Resolution No. 40, introduced by Brand (87-10)

House Joint Resolution No. 16, introduced by Devlin (87-9)

House Joint Resolution No. 32, introduced by Kanduch (95-1)

House Joint Resolution No. 36, introduced by Ellerd (97-0)

House Joint Resolution No. 41, introduced by Curtiss (87-8)

House Joint Resolution No. 45, introduced by Bardanouve (95-3)

The following House Bills were on 2/25/81, passed and transmitted to the Senate for concurrence:

House Bill No. 578, introduced by Vincent (98-0)

House Bill No. 797, introduced by Bennett (89-7)

House Bill No. 798, introduced by Hannah (89-9)

House Bill No. 600, introduced by Curtiss (71-27)

House Bill No. 725, introduced by Underdal (93-5)

House Bill No. 701, introduced by Winslow (94-4)

House Bill No. 703, introduced by Dussault (79-18)

House Bill No. 713, introduced by Fabrega (98-0)

House Bill No. 726, introduced by Vincent (84-14)

House Bill No. 743, introduced by O'Connell (78-20)

House Bill No. 748, introduced by Meyer (93-4)

House Bill No. 749, introduced by Meyer (96-7)

House Bill No. 69, introduced by Donaldson (95-0)

House Bill No. 71, introduced by Keedy (66-27)

House Bill No. 612, introduced by Bardanouve (93-2)

House Bill No. 732, introduced by Eudaily (77-17)

House Bill No. 753, introduced by Kemmis (87-8)

House Bill No. 376, introduced by Hemstad (95-0)

House Bill No. 377, introduced by Hemstad (93-0)

House Bill No. 393, introduced by Vinger (67-27)

House Bill No. 538, introduced by Huennekens (89-5)

House Bill No. 541, introduced by Huennekens (82-13)

House Bill No. 546, introduced by Pistoria (87-4)

House Bill No. 558, introduced by Brown (93-2)

House Bill No. 635, introduced by Bardanouve (97-0)

House Bill No. 637, introduced by Andreason (96-1)

House Bill No. 646, introduced by Dussault (81-17)

House Bill No. 654, introduced by Menahan (96-1)

House Bill No. 664, introduced by Vincent (71-27)

House Bill No. 671, introduced by Hurwitz (96-1)
House Bill No. 686, introduced by McLane (95-3)
House Bill No. 697, introduced by McBride (79-19)
House Bill No. 698, introduced by Meyer (95-3)
House Bill No. 179, introduced by Donaldson (80-18)
House Bill No. 788, introduced by Menahan (95-2)
House Bill No. 692, introduced by O'Connell (87-10)
House Bill No. 566, introduced by Hemstad (96-2)
House Bill No. 824, introduced by Keyser (98-0)
House Bill No. 773, introduced by Keedy (95-3)
House Bill No. 796, introduced by Manning (89-0)
House Bill No. 806, introduced by Manuel (91-6)
House Bill No. 467, introduced by Sivertsen (93-4)
House Bill No. 727, introduced by Dussault (53-44)
House Bill No. 751, introduced by Meyer (87-10)
House Bill No. 766, introduced by Ellison (73-24)
House Bill No. 792, introduced by Menahan (71-26)
House Bill No. 738, introduced by Ryan (91-6)
House Bill No. 595, introduced by Sivertsen (57-41)
House Bill No. 711, introduced by Harper (97-1)
House Bill No. 364, introduced by Vincent (67-22)
House Bill No. 734, introduced by Winslow (91-7)
House Bill No. 808, introduced by Eudaily (95-2)
House Bill No. 812, introduced by Committee on Appropriations (86-12)
House Bill No. 200, introduced by Ellison (80-17)
House Bill No. 770, introduced by Lory (97-0)
House Bill No. 781, introduced by Harper (98-0)
House Bill No. 760, introduced by Waldron (84-14)
House Bill No. 765, introduced by Donaldson (73-23)
House Bill No. 805, introduced by Kitselman (89-9)
House Bill No. 652, introduced by Conroy (63-37)
House Bill No. 790, introduced by Daily (97-0)
House Bill No. 762, introduced by Kemmis (94-3)
House Bill No. 794, introduced by Ellerd (53-41)
House Bill No. 811, introduced by Committee on Appropriations (98-0)
House Bill No. 813, introduced by Keyser (85-12)

House Bill No. 815, introduced by Kemmis (84-14)

House Bill No. 819, introduced by Bengtson (96-2)

House Bill No. 750, introduced by Meyer (97-1)

House Bill No. 720, introduced by Harp (90-8)

House Bill No. 777, introduced by Donaldson (71-26)

House Bill No. 715, introduced by Lory (73-24)

House Bill No. 731, introduced by Daily (72-26)

House Bill No. 735, introduced by Winslow (98-0)

House Bill No. 640, introduced by Lund (84-14)

House Bill No. 758, introduced by Roush (54-44)

House Bill No. 780, introduced by Azzara (84-11)

House Bill No. 385, introduced by Pistoria (97-1)

House Bill No. 717, introduced by Winslow (91-6)

House Bill No. 565, introduced by Roth (67-30)

MOTIONS

Upon the motion of Senator Hazelbaker, duly carried, that House Bill No. 88 be taken from the Committee on State Administration and be rereferred to the Committee on Finance and Claims.

FIRST READING OF BILLS

The following House bills were introduced, read first time and referred to committees:

HB 12, introduced by Gould, (By Request of the Interim Committee on Corrections Policy and Facility Needs). Referred to Committee on Judiciary.

HB 20, introduced by Gould, (By Request of the Interim Committee on Corrections Policy and Facility Needs). Referred to Committee on Judiciary.

HB 26, introduced by Moore, D. Brown, Pavlovich, Harrington, Quilici, Brand. Referred to Committee on State Administration.

HB 57, introduced by Azzara, S. Brown, Fabrega, (By Request of the Study Committee on Annexation Laws). Referred to Committee on Local Government.

HB 80, introduced by Pistoria, (By Request of the Department of Social and Rehabilitation Services). Referred to Committee on Public Health, Welfare and Safety.

HB 99, introduced by Daily, Dover, Harrington. Referred to Committee on Judiciary.

HB 106, introduced by Switzer. Referred to Committee on Business and Industry.

HB 188, introduced by Sales. Referred to Committee on Taxation.

HB 192, introduced by Moore. Referred to Committee on Local Government.

HB 284, introduced by Fabrega, Hager. Referred to Committee on Judiciary.

HB 320, introduced by Kropp, (By Request of the Department of Highways). Referred to Committee on Highways and Transportation.

HB 333, introduced by Marks, Donaldson, Eudaily. Referred to Committee on Education and Cultural Resources.
HB 336, introduced by Kanduch, D. Brown, Conroy, Pavlovich, Manuel, Daily, Seifert. Referred to Committee on State Administration.
HB 367, introduced by Dussault, B. Brown, Bengtson, Tveit, Keedy, Harper, Waldron, Lund, Berg, J. O'Hara, Hammond, McBride, Phillips. Referred to Committee on Education and Cultural Resources.
HB 378, introduced by Hemstad, Smith, (By Request of the State Auditor). Referred to Committee on Business and Industry.
HB 380, introduced by Hemstad, Smith, (By Request of the State Auditor). Referred to Committee on Business and Industry.
HB 408, introduced by Cozzens. Referred to Committee on Taxation.
HB 409, introduced by Keyser, Keedy, Pavlovich, Quilici, Daily, Marks, Huennekens. Referred to Committee on Business and Industry.
HB 425, introduced by Meyer, Dussault, Williams, Stobie, Cozzens, Quilici, Feda. Referred to Committee on Business and Industry.
HB 430, introduced by Underdal, Stobie, Kropp. Referred to Committee on Business and Industry.
HB 436, introduced by Bardanouve, (By Request of the Department of Institutions). Referred to Committee on State Administration.
HB 473, introduced by Fabrega, Berg, Sivertsen. Referred to Committee on Local Government.
HB 492, introduced by Meyer, Fabrega, Hemstad. Referred to Committee on Business and Industry.
HB 528, introduced by Metcalf, Wallin. Referred to Committee on Taxation.
HB 533, introduced by Huennekens, (By Request of the Department of State Lands). Referred to Committee on Taxation.
HB 535, introduced by Huennekens, (By Request of the Department of Revenue). Referred to Committee on Judiciary.
HB 536, introduced by Huennekens, (By Request of the Department of Revenue). Referred to Committee on Judiciary.
HB 537, introduced by Huennekens, (By Request of the Department of Revenue). Referred to Committee on Judiciary.
HB 539, introduced by Huennekens. Referred to Committee on Taxation.
HB 540, introduced by Huennekens. Referred to Committee on Taxation.
HB 545, introduced by Sivertsen. Referred to Committee on State Administration.
HB 552, introduced by Roush, Iverson, Shontz, Jacobsen, Kolstad, Kennerly, Vinger, E. Smith. Referred to Committee on Taxation.
HB 554, introduced by Bergene, Conn, Holliday, Dussault. Referred to Committee on State Administration.
HB 555, introduced by Manning, Brand, Bertelsen, Donaldson, Thoft, Healy, Dozier, Hazelbaker. Referred to Committee on Local Government.
HB 557, introduced by D. Brown, Quilici, Daily, Brand, Williams, Waldron, Dozier, Pavlovich, Harrington, Dussault, Manning, McBride, Kessler, Metcalf, Nilson, O'Connell, Zabrocki, Keedy, Harper, Huennekens, Yardley, Abrams, Oberg, Menahan, Shelden, Kemmis, Teague, Bengtson, Pistoria, Azzara, Hart. Referred to Committee on Labor and Employment Relations.
HB 574, introduced by Kitselman. Referred to Committee on Business and Industry.
HB 577, introduced by Harrington, (By Request of the Board of Professional and Occupational Licensing). Referred to Committee on Public Health, Welfare and Safety.

HB 584, introduced by Ellison, Dussault, (By Request of the Office of Public Instruction). Referred to Committee on State Administration.

HB 596, introduced by Williams, Asay, McLane, Sivertsen, Burnett, Bengtson, Ellison, Conroy, Donaldson, Gould, Curtiss, Thoft, Roth, Neuman, Zabrocki. Referred to Committee on Agriculture, Livestock and Irrigation.

HB 607, introduced by Harp, D. Brown, Quilici, Keedy. Referred to Committee on Natural Resources.

HB 624, introduced by Williams, Oberg, Huennekens, Sivertsen, Bertelsen, Vinger, Asay, McLane, Shontz, Zabrocki. Referred to Committee on Local Government.

HB 625, introduced by Fabrega, Goodover, Moore, Robbins. Referred to Committee on Business and Industry.

HB 626, introduced by Keedy, B. Brown, Nordtvedt, D. Brown, Conroy, Donaldson, Marks, Feda, Anderson, Conn. Referred to Committee on Judiciary.

HB 639, introduced by Winslow. Referred to Committee on Finance and Claims.

HB 641, introduced by Quilici, Dover. Referred to Committee on Natural Resources.

HB 642, introduced by Bennett, Harp, Bertelsen, Sales, Ellerd, Pavlovich, Moore, Asay, Curtiss, Keyser, Teague, Quilici, Hemstad, Fabrega, Roush, Donaldson, Seifert, Abrams, Hannah, Sivertsen, D. Brown, Matsko, Kanduch, Feda, Conroy, Huennekens, Kropp, Burnett, Daily, Mueller, Menahan. Referred to Committee on Public Health, Welfare and Safety.

HB 662, introduced by Burnett. Referred to Committee on Education and Cultural Resources.

HB 667, introduced by Roth, Galt, Iverson, Hurwitz, Kemmis, Moore, Curtiss, Conroy, Briggs, Schultz, Ernst, Ellerd, Ellison, McLane, (By Request of the Department of Natural Resources and Conservation). Referred to Committee on Agriculture, Livestock and Irrigation.

HB 677, introduced by Cozzens, Winslow, Eudaily. Referred to Committee on Finance and Claims.

HB 678, introduced by Burnett. Referred to Committee on Judiciary.

HB 683, introduced by Fabrega, B. Brown, Bergene, Conn, Bengtson, Anderson, Donaldson. Referred to Committee on State Administration.

HB 684, introduced by Lory. Referred to Committee on State Administration.

HB 685, introduced by Lory, Berg, (By Request of the Department of Professional and Occupational Licensing). Referred to Committee on State Administration.

HB 689, introduced by Keyser, Matsko, Iverson, (By Request of the House Judiciary Committee). Referred to Committee on Judiciary.

HB 690, introduced by Keyser, Keedy, Matsko, Moore, Bennett, (By Request of the House Judiciary Committee). Referred to Committee on Judiciary.

HB 693, introduced by Feda. Referred to Committee on Local Government.

HB 696, introduced by Kessler. Referred to Committee on Finance and Claims.

HB 702, introduced by Winslow. Referred to Committee on Business and Industry.

HB 704, introduced by Dussault, (By Request of the House Local Government Committee). Referred to Committee on Local Government.

HB 706, introduced by Andreason, Fabrega. Referred to Committee on Business and Industry.

HB 710, introduced by Kitselman. Referred to Committee on Business and Industry.
HB 712, introduced by Hurwitz. Referred to Committee on Local Government.
HB 716, introduced by Fabrega, B. Brown. Referred to Committee on Taxation.
HB 724, introduced by Neuman, Lee, Fabrega, Conroy. Referred to Committee on Local Government.
HB 740, introduced by Switzer, Devlin, Donaldson, J. Ryan, Iverson, Tveit, Burnett, Holliday, Curtiss, C. Smith, Marks. Referred to Committee on Agriculture, Livestock and Irrigation.
HB 761, introduced by Fabrega, Jensen, Vincent, Metcalf, D. O'Hara, Andreason, Manning, Schultz, Wallin, Harper, Robbins, Kitselman, Jacobsen, Bergene, (By Request of the House Committee on Business and Industry). Referred to Committee on Judiciary.
HB 789, introduced by Yardley, (By Request of the Montana Supreme Court). Referred to Committee on State Administration.
HB 448, introduced by Nordtvedt, Vincent, Wallin. Referred to Committee on Business and Industry.

The following House Joint Resolutions were introduced, read first time and referred to committees:

HJR 18, introduced by Seifert, Conroy, Anderson, Conn, Harp, Healy, Lee, Bennett, Huennekens, Quilici, Eudaily, Iverson, Vinger, Curtiss, Lory, S. Brown, B. Brown, Blaylock. Referred to Committee on Natural Resources.
HJR 19, introduced by Bertelsen, Dussault, Bennett, Asay, (By Request of the Environmental Quality Council). Referred to Committee on Highways and Transportation.
HJR 22, introduced by Bennett, Harp, Sales, Ellerd, Nordtvedt, Moore, Stobie, Keyser, Teague, Pavlovich, Fabrega, Hemstad, Asay, Curtiss, Hannah, Seifert, Sivertsen, Neuman, Donaldson, D. Brown, Matsko, Cozzens, Roush, Abrams, Thoft, Burnett, Conroy, Daily, Huennekens, Feda, Kanduch, Kropp, Mueller, Menahan. Referred to Committee on Public Health, Welfare and Safety.
HJR 28, introduced by Sales, Fabrega, Meyer, Ellerd, Wallin, Moore, Bergene, Schultz, Phillips, Matsko, Hemstad, Pavlovich, Kessler, Harper, Metcalf, Andreason, D. O'Hara, Ellison, Jensen, Kitselman, (By Request of the House Committee on Business and Industry). Referred to Committee on Local Government.
HJR 29, introduced by Thoft, Marks, Fagg, Lund, Moore, Fabrega, Kolstad, Turnage, Stephens, Nelson, S. Brown, Norman, Meyer, Keedy, Severson, Kemmis, Feda, Spilker, Quilici, Burnett, Menahan, Dussault. Referred to Committee on Business and Industry.

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Severson in the Chair.

Senate resumed. President Turnage in the Chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on Second Reading, recommend as follows:

That the Free Conference Committee Report on House Bill No. 94 be adopted by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover

Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Kolstad, Lee, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 45

Noes: Manley.
Total 1

Excused: Johnson, Stephens.
Total 2

Absent or not voting: Graham, Keating.
Total 2

That the Committee rise and report. (Severson, Chairman)

Upon motion of Senator Severson, duly carried, the foregoing Report of the Committee of the Whole was adopted.

Upon motion of Senator Smith, duly carried, the Senate adjourned at 3:29 p.m. until Tuesday, March 3, at the hour of 3:00 p.m.

JEAN A. TURNAGE
President of the Senate

JOHN W. LARSON
Secretary of the Senate

FORTY-SEVENTH LEGISLATIVE DAY

Helena, Montana
March 3, 1981

Senate Chambers
Capitol Building

Senate convened at 3:00 p.m., President Pro Tempore Kolstad presiding. Invocation by the Chaplain. Pledge of Allegiance to the Flag.

Roll call. All members present except Johnson, Stephens, excused. Quorum present.

Mr. President: We, your Committee on Bills and Journal, having examined the daily journal for the Forty-sixth Legislative Day, find the same to be correct.

O'HARA, Chairman

REPORTS OF STANDING COMMITTEES

The Senate will please take note that the President did, at the hour of 4:10 p.m., 3/2/81, sign the following bills:
HB 21, HB 118, HB 341, HB 482.

Jean A. Turnage
President

PRINTING (O'Hara, Chairman):
Correctly printed and placed on the members' desks - SB 345. Report adopted.

HIGHWAYS AND TRANSPORTATION (Etchart, Chairman):
HB 331, be concurred in. Report adopted.

JUDICIARY (Anderson, Chairman):
HB 138, be concurred in. Report adopted.
HB 153, be concurred in. Report adopted.
HB 162, be concurred in. Report adopted. Motion was made and passed unanimously to place House Bill No. 162 on the Consent Calendar.

LABOR AND EMPLOYMENT RELATIONS (Nelson, Chairman):
HB 344, be concurred in. Report adopted.
HB 464, be concurred in. Report adopted.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

Governor's Amendments to the following House Bill were on 3/2/81, concurred in and transmitted to the Senate for concurrence:

House Bill No. 139, introduced by Thoft (95-0)

MOTIONS

Motion was made by Senator Smith that the rules of the Forty-seventh Legislative Session be temporarily suspended in order to place the Governor's Amendments to House Bill No. 139 on Second Reading this Legislative Day. Motion carried by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Keating, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stimatz, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 45

Noes: None.
Total 0

Excused: Johnson, Stephens.
Total 2

Absent or not voting: S. Brown, Kolstad, Story.
Total 3

FIRST READING OF BILLS

The following House bills were introduced, read first time and referred to committees:

HB 69, introduced by Donaldson, (By Request of the Legislative Finance Committee). Referred to Committee on Finance and Claims.
HB 71, introduced by Keedy, Huennekens, Harper, Kessler, Vincent, Oberg, Yardley, Metcalf, Nelson. Referred to Committee on State Administration.
HB 179, introduced by Donaldson. Referred to Committee on Local Government.
HB 200, introduced by Ellison, (By Request of the Department of Fish, Wildlife, and Parks). Referred to Committee on Fish and Game.
HB 364, introduced by Vincent, Conn. Referred to Committee on Highways and Transportation.
HB 376, introduced by Hemstad, E. Smith, (By Request of the State Auditor). Referred to Committee on Business and Industry.
HB 377, introduced by Hemstad, Smith, (By Request of the State Auditor). Referred to Committee on Business and Industry.
HB 385, introduced by Pistoria, R. Manning. Referred to Committee on Taxation.
HB 393, introduced by Vinger, Harp, Shontz, Dover. Referred to Committee on Local Government.
HB 467, introduced by Sivertsen, Roth, Seifert, Jacobsen, Kolstad, Lee, Robbins, Manuel, Iverson, Roush, Bardanouve, Zabrocki, Hammond, Etchart. Referred to Committee on Agriculture, Livestock and Irrigation.
HB 538, introduced by Huennekens, (By Request of the Department of Revenue). Referred to Committee on Judiciary.
HB 541, introduced by Huennekens, Azzara, Pistoria, Fabrega, Meyer, Harrington, Dozier, McBride. Referred to Committee on Taxation.
HB 546, introduced by Pistoria, Fabrega, Stobie, R. Manning, Teague, Feda. Referred to Committee on Rules.
HB 558, introduced by D. Brown, Keyser. Referred to Committee on Local Government.
HB 565, introduced by Roth, Marks, Moore. Referred to Committee on State Administration.
HB 566, introduced by Hemstad, Hager. Referred to Committee on Public Health, Welfare and Safety.
HB 578, introduced by Vincent, Kitselman. Referred to Committee on Business and Industry.
HB 595, introduced by Sivertsen, Nordtvedt, Seifert, Keyser, Dozier, Lee, Kolstad, Pavlovich, Meyer, Fabrega, Hammond, Iverson, Hemstad, Vinger, Daily, Asay, Feda, McLane, Jacobsen, Teague, Manley. Referred to Committee on Highways and Transportation.
HB 600, introduced by Curtiss, Turnage, Roth, Conroy, Feda, Bengtson, B. Brown. Referred to Committee on Natural Resources.
HB 612, introduced by Bardanouve. Referred to Committee on Judiciary.

HB 635, introduced by Bardanouve, (By Request of the Office of the Governor). Referred to Committee on Taxation.

HB 637, introduced by Andreason, Jensen, D. O'Hara, Azzara, Neuman, Kitselman, Lory, Vincent, Teague, Dussault. Referred to Committee on State Administration.

HB 640, introduced by Lund, Sivertsen, Manuel, Conroy. Referred to Committee on Taxation.

HB 646, introduced by Dussault, (By Request of the Department of Social and Rehabilitation Services). Referred to Committee on Public Health, Welfare and Safety.

HB 652, introduced by Conroy, Marks, Curtiss, Ryan, Feda, Fabrega, Burnett, Briggs, Moore, Graham, Devlin, Boylan, McLane, Keyser, Seifert, Underdal, Bennett, Pavlovich, Aklestad, Cozzens, Sivertsen, Schultz, Iverson, Kanduch, Roth, Pistoria, Daily, Meyer, Abrams, Matsko, Lee, Andreason, C. Smith, D. Brown, Ellerd, Hafferman, Galt, Healy, Dover, Teague, Manley, Kropp, Hazelbaker. Referred to Committee on Natural Resources.

HB 654, introduced by Menahan. Referred to Committee on Taxation.

HB 664, introduced by Vincent. Referred to Committee on Finance and Claims.

HB 671, introduced by Hurwitz, (By Request of the Department of Professional and Occupational Licensing). Referred to Committee on Public Health, Welfare and Safety.

HB 686, introduced by McLane, Williams, Ellerd, Donaldson, (By Request of the Department of Health and Environmental Sciences). Referred to Committee on Public Health, Welfare and Safety.

HB 692, introduced by O'Connell, Teague, R. Manning, Feda, Azzara, Conroy, Neuman, Pavlovich, Daily, Harrington, Quilici, Iverson, Keyser, Asay, Pistoria, Menahan, Oberg, Dozier, Bennett, C. Smith, Gould, Huennekens, Sivertsen, Seifert. Referred to Committee on Business and Industry.

HB 697, introduced by McBride, Ellison, McLane, Harper, Yardley, Thoft, Keedy, Donaldson. Referred to Committee on Natural Resources.

HB 698, introduced by Meyer, Hemstad, Fabrega, Pistoria, Moore, Bergene, O'Connell, Menahan, Keedy, Yardley, Huennekens, Sivertsen, Keyser. Referred to Committee on Judiciary.

HB 701, introduced by Winslow, Bengtson, Hager, (By Request of the Department of Professional and Occupational Licensing). Referred to Committee on Public Health, Welfare and Safety.

HB 703, introduced by Dussault, Mazurek. Referred to Committee on Judiciary.

HB 711, introduced by Harper, Hart, Harp. Referred to Committee on Judiciary.

HB 713, introduced by Fabrega, Goodover. Referred to Committee on Judiciary.

HB 715, introduced by Lory, Dover, Azzara, Kemmis, Hurwitz, S. Brown, Dussault, Eudaily, Andreason, Hanson. Referred to Committee on Local Government.

HB 717, introduced by Winslow, (By Request of the Department of Professional and Occupational Licensing). Referred to Committee on State Administration.

HB 720, introduced by Harp, Fabrega, Kitselman, Hager. Referred to Committee on Business and Industry.

HB 725, introduced by Underdal, (By Request of the Department of Professional and Occupational Licensing). Referred to Committee on State Administration.

HB 726, introduced by Vincent. Referred to Committee on Public Health, Welfare and Safety.

HB 727, introduced by Dussault, E. Smith. Referred to Committee on Finance and Claims.

HB 731, introduced by Daily. Referred to Committee on Fish and Game.

HB 732, introduced by Eudaily, (By Request of the House Education Committee). Referred to Committee on Education and Cultural Resources.

HB 734, introduced by Winslow, D. O'Hara, Hannah. Referred to Committee on Public Health, Welfare and Safety.

HB 735, introduced by Winslow, D. O'Hara, Hannah. Referred to Committee on Public Health, Welfare and Safety.

HB 738, introduced by J. Ryan, Ellison, Underdal, Stobie, Hurwitz, Winslow, Curtiss, Conroy, Andreason, Switzer, Jensen, Burnett, Devlin, Thoft. Referred to Committee on Fish and Game.

HB 743, introduced by O'Connell, R. Manning, Pistoria, Fabrega, Daily, Nilson, Robbins, Hemstad, Moore. Referred to Committee on Business and Industry.

HB 748, introduced by Meyer, Hazelbaker, Harp. Referred to Committee on Highways and Transportation.

HB 749, introduced by Meyer, Hazelbaker, Harp. Referred to Committee on Highways and Transportation.

HB 750, introduced by Meyer, Ryan. Referred to Committee on Labor and Employment Relations.

HB 751, introduced by Meyer, Ryan, Quilici. Referred to Committee on Finance and Claims.

HB 753, introduced by Kemmis, Norman, Van Valkenburg, Kanduch, Stobie, Oberg, Bennett, Waldron, Harp, Mueller, Hafferman. Referred to Committee on Taxation.

HB 758, introduced by Roush, Tveit, Iverson, Towe, Shontz, Jacobsen, Conroy, Switzer, Lee, Kemmis, Holliday, Neuman, Sivertsen, Zabrocki, Abrams, Donaldson, Devlin, J. Ryan, Huennekens, Manuel. Referred to Committee on Judiciary.

HB 760, introduced by Waldron, Hager, Van Valkenburg, J. O'Hara, Azzara, D. O'Hara, Kessler, Mazurek, Kemmis, Williams, Vinger, Cozzens, Regan, Fabrega, Conover. Referred to Committee on Local Government.

HB 762, introduced by Kemmis, Van Valkenburg, Asay, Bennett, Azzara, Dozier, McBride, Dussault, R. Manning, Shontz, Williams, Oberg, Roush, Quilici, Nilson. Referred to Committee on Taxation.

HB 765, introduced by Donaldson, Kropp, Shontz, Harper. Referred to Committee on Local Government.

HB 766, introduced by Ellison, (By Request of the House Committee on Fish and Game). Referred to Committee on State Administration.

HB 770, introduced by Lory, Eudaily. Referred to Committee on Local Government.

HB 773, introduced by Keedy, Kemmis. Referred to Committee on Judiciary.

HB 777, introduced by Donaldson, Keedy. Referred to Committee on Agriculture, Livestock and Irrigation.

HB 780, introduced by Azzara, Halligan, Vincent, Fabrega, Meyer, D. Brown, Marks, Harper, Anderson, Bardanouve, Andreason. Referred to Committee on Business and Industry.

HB 781, introduced by Harper, Donaldson, Fabrega, Manuel, Roush, Huennekens, Metcalf, Andreason. Referred to Committee on Local Government.

HB 788, introduced by Menahan, Daily. Referred to Committee on State Administration.

HB 790, introduced by Daily, Quilici, Pavlovich, McBride, Harrington, D. Brown. Referred to Committee on Local Government.

HB 792, introduced by Menahan, Daily, Pavlovich, Kanduch, Meyer, Matsko, D. Brown, Harrington, Quilici, R. Manning, Fabrega. Referred to Committee on State Administration.

HB 794, introduced by Ellerd, Harper, McBride, Conn, Waldron, Dozier, Winslow, Andreason, Bergene. Referred to Committee on Public Health, Welfare and Safety.

HB 796, introduced by R. Manning. Referred to Committee on State Administration.

HB 797, introduced by Bennett, Menahan, Azzara, Seifert, Hemstad, Sivertsen, Gould, Conn, Keyser, Devlin, Switzer, Pavlovich, Winslow, Nilson. Referred to Committee on Public Health, Welfare and Safety.

HB 798, introduced by Hannah, Fabrega, D. O'Hara, Lund, Winslow, Fagg, Azzara, Marks, Moore, Kitselman, Seifert, Meyer, Vincent, Kemmis, Menahan, Matsko, Phillips, Schultz, Briggs, Quilici, Dussault, Daily, Harrington, Conn. Referred to Committee on Taxation.

HB 805, introduced by Kitselman. Referred to Committee on Taxation.

HB 806, introduced by Manuel, Smith, Stobie, Nilson, (By Request of the Senate Committee on Fish and Game). Referred to Committee on Fish and Game.

HB 808, introduced by Eudaily, Andreason, (By Request of the House Committee on Education). Referred to Committee on Finance and Claims.

HB 811, introduced by Lund, Committee on Appropriations, (By Request of the House Committee on Appropriations). Referred to Committee on Finance and Claims.

HB 812, introduced by Lund, Committee on Appropriations, (By Request of the House Committee on Appropriations). Referred to Committee on Finance and Claims.

HB 813, introduced by Keyser, Iverson, Anderson, (By Request of the House Judiciary Committee). Referred to Committee on Judiciary.

HB 815, introduced by Kemmis, (By Request of the Department of Social and Rehabilitation Services). Referred to Committee on Judiciary.

HB 819, introduced by Bengtson. Referred to Committee on Education and Cultural Resources.

HB 824, introduced by Keyser, (By Request of the House Judiciary Committee). Referred to Committee on Judiciary.

The following House Joint Resolutions were introduced, read first time and referred to committees:

HJR 16, introduced by Devlin, Thoft, C. Smith, Conroy, Ryan, Kropp, Keyser, Zabrocki, Matsko, Briggs, Sales, Ernst, Robbins, Roth, Stobie, Schultz, Phillips, Iverson, Curtiss, Spilker, Switzer, Asay, Teague, Daily, Quilici, Huennekens, Hart, Manuel, Holliday, Bengtson, Wallin, Ellerd. Referred to Committee on Agriculture, Livestock and Irrigation.

HJR 30, introduced by C. Smith, Graham. Referred to Committee on Education and Cultural Resources.

HJR 32, introduced by Kanduch, Hafferman, Hurwitz, Manley. Referred to Committee on Natural Resources.

HJR 36, introduced by Ellerd, Sales, Thoft, Meyer, Fabrega, Kropp, Curtiss, Vincent, Devlin, Moore, Hurwitz, Mueller, Vinger, McLane, Asay, O'Connell, Pistoria, Oberg, Roth, Williams, Bengtson,

Nordtvedt, Yardley, Sivertsen, Briggs, Schultz, Phillips, Anderson, Matsko, Hemstad, Wallin, Bertelsen, Iverson, D. Brown, Bennett, Ernst, Conn, McBride, Kessler, Feda, Pavlovich, Fagg, Switzer, Shelden, Boylan, P. Ryan, Halligan, Spilker, Kanduch, Galt, Manley. Referred to Committee on Public Health, Welfare and Safety.

HJR 40, introduced by Brand, Marks, Menahan, Stobie. Referred to Committee on Natural Resources.

HJR 41, introduced by Curtiss, Nordtvedt, Harp, Burnett, Moore, Conroy, Matsko, Fagg, Iverson, Spilker, Devlin, Switzer. Referred to Committee on State Administration.

HJR 42, introduced by D. Brown, Iverson, (By Request of the Office of the Governor). Referred to Committee on Natural Resources.

HJR 45, introduced by Bardanouve, Hurwitz, Galt. Referred to Committee on Education and Cultural Resources.

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Norman in the Chair.

Senate resumed. President Pro Tempore Kolstad in the Chair.

Mr. President Pro Tempore: We, your Committee of the Whole, having had under consideration business on Second Reading, recommend as follows:

That the Governor's Amendments to House Bill No. 139 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Johnson, Stephens.
Total 2

Absent or not voting: None.
Total 0

That the Committee rise and report. (Norman, Chairman)

Upon motion of Senator Norman, duly carried, the foregoing Report of the Committee of the Whole was adopted.

At the request of the President Pro Tempore, and without objection, the Senate reverted to Order of Business No. 6.

MOTIONS

Motion was made by Senator Smith that the rules of the Forty-seventh Legislative Session be temporarily suspended in order to place the Governor's Amendments to House Bill No. 139 on Third Reading this Legislative Day. Motion carried by the following vote:

Ayes: Aklestad, Anderson, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl,

Jacobson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 47

Noes: None.
Total 0

Excused: Johnson, Stephens.
Total 2

Absent or not voting: Berg.
Total 1

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

The Free Conference Committee Report on House Bill No. 94 was adopted by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, B. Brown, S. Brown, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Keating, Kolstad, Lee, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Regan, Severson, Stimatz, Story, Thomas, Tveit, Van Valkenburg, Mr. President.
Total 40

Noes: Boylan, Conover, Hafferman, Manley, Olson, Ryan, Smith.
Total 7

Excused: Johnson, Stephens.
Total 2

Absent or not voting: Towe.
Total 1

Governor's Amendments to House Bill No. 139 were concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Johnson, Stephens.
Total 2

Absent or not voting: None.
Total 0

At the request of the President Pro Tempore, and without objection, the Senate reverted to Order of Business No. 2.

REPORTS OF STANDING COMMITTEES

COMMITTEE ON COMMITTEES (Galt, Chairman):

Does hereby appoint to the Legislative Consumer Council the following members:

Senator Allen C. Kolstad
Senator Paul F. Boylan

Report adopted.

MOTIONS

Upon motion of Senator Norman, duly carried, that House Bill No. 594 be taken from the Committee on State Administration and be rereferred to the Committee on Local Government.

Upon motion of Senator Berg, that House Bill No. 554 be taken from the Committee on State Administration and be rereferred to the Committee on Public Health. Motion carried by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Severson, Smith, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 47

Noes: Ryan.
Total 1

Excused: Johnson, Stephens.
Total 2

Absent or not voting: None.
Total 0

Upon motion of Senator Smith, duly carried, the Senate adjourned at 3:21 p.m. until Wednesday, March 4, at the hour of 3:00 p.m.

ALLEN C. KOLSTAD
President Pro Tempore of the Senate

JOHN W. LARSON
Secretary of the Senate

FORTY-EIGHTH LEGISLATIVE DAY

Helena, Montana
March 4, 1981

Senate Chambers
Capitol Building

Senate convened at 3:00 p.m., President Turnage presiding. Invocation by the Chaplain. Pledge of Allegiance to the Flag.

Roll call. All members present except Stephens, excused. Quorum present.

Mr. President: We, your Committee on Bills and Journal, having examined the daily journal for the Forty-seventh Legislative Day, find the same to be correct.

O'HARA, Chairman

REPORTS OF STANDING COMMITTEES

LEGISLATIVE ADMINISTRATION (Kolstad, Chairman):
Respectfully reports as follows:

That the following attaches of the Senate be terminated as of 5:00 p.m. on February 21, 1981:

Mike Cetrone ..... Page
Lynn Loucks ..... Page
Patty Miller ..... Page
Troy Johnson ..... Page

That the following attaches of the Senate be terminated as of 5:00 p.m. on February 25, 1981:

Chantel Wold ..... Page
Donna Wolslagel ..... Page
Genevieve Gordon ..... Page
Kari Parzych ..... Page
Leah Johnson ..... Page
Jeanette Violette ..... Page
Linda Malisani ..... Page

That the following attaches of the Senate be employed as of 8:00 a.m. on March 2, 1981:

Robert DeRosia ..... Page
Lisa Dowling ..... Page
Karren Kemmer ..... Page
Rhoda McIntire ..... Page
Bev Owings ..... Page
Kema Soderberg ..... Page
David Sturgis ..... Page
Laura Zook ..... Page
Becky Aklestad ..... Page

Report adopted.

JUDICIARY (Anderson, Chairman):
HB 254, be concurred in. Report adopted.

HB 301, third reading copy, be amended as follows:

1. Page 2, line 24.
Following: "mischief"

Strike: "shall"
Insert: "may"

And, as so amended, be concurred in. Report adopted.

HB 315, be concurred in. Report adopted.
HB 335, be concurred in. Report adopted.

LOCAL GOVERNMENT (McCallum, Chairman):
HB 3, be concurred in. Report adopted.
HB 140, be concurred in. Report adopted.
HB 150, be concurred in. Report adopted.
HB 203, be concurred in. Report adopted.

NATURAL RESOURCES (Dover, Chairman):
HB 641, be concurred in. Report adopted.

STATE ADMINISTRATION (Story, Chairman):
HB 60, be concurred in. Report adopted.
HB 145, be concurred in. Report adopted.
HB 199, be concurred in. Report adopted.
HB 274, be concurred in. Report adopted.
HB 387, be concurred in. Report adopted.

Communication of the Governor dated February 2, 1981, wherein the names of:

ROBERT PENNER, Wolf Point Montana, appointed for a term ending January 7, 1985;

BERNT WARD, Plentywood Montana, appointed for a term ending January 7, 1985;

H. V. NEES, Billings Montana, appointed for a term ending January 7, 1985;

CARL IVERSON, Whitlash Montana, appointed for a term ending January 7, 1985, were submitted for appointments to:

The Board of Oil and Gas Conservation.

Respectfully report as follows:

That said appointments be concurred in and confirmed by the Senate, and that the attached resolution be adopted by the Senate.

Be concurred in and confirmed. Report adopted.

Communication of the Governor dated February 2, 1981, wherein the name of:

MINNIE ELLEN FRITZLER, Crow Agency Montana, reappointed for a term ending January 7, 1984, was submitted for appointment to:

The Board of Social and Rehabilitation Services Appeals.

Respectfully report as follows:

That said appointment be concurred in and confirmed by the Senate, and that the attached resolution be adopted by the Senate.

Be concurred in and confirmed. Report adopted.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following Governor's Amendments were on 3/3/81, concurred in on Third Reading by the House:

Governor's Amendments to House Bill No. 76, introduced by Harper (95-0)

MOTIONS

Upon motion of Senator Hazelbaker, duly carried, that House Bill No. 450 be taken from the Committee on Business and Industry and be rereferred to the Committee on Agriculture, Livestock, and Irrigation.

Upon motion of Senator Hazelbaker, duly carried, that House Bill No. 430 be taken from the Committee on Business and Industry and be rereferred to the Committee on Labor and Employment Relations.

Upon motion of Senator Smith, duly carried, that House Bill No. 152 be taken from the Committee on Public Health, Welfare and Safety and be rereferred to the Committee on Fish and Game.

Upon motion of Senator Hager, duly carried, that House Bill No. 642 be taken from the Committee on Public Health, Welfare and Safety and be rereferred to the Committee on Natural Resources.

Upon motion of Senator Hager, duly carried, that House Joint Resolution No. 22 be taken from the Committee on Public Health, Welfare and Safety and be rereferred to the Committee on Natural Resources.

SPECIAL ORDERS OF THE DAY

The hour of 3:30 p.m. having arrived, the Senate considered the Governor's appointments for confirmation.

Senator Story moved that the appointments of Robert Penner, Wolf Point Montana, appointed for a term ending January 7, 1985; Bernt Ward, Plentywood Montana, appointed for a term ending January 7, 1985; H. V. Nees, Billings Montana, appointed for a term ending January 7, 1985; and Carl Iverson, Whitlash Montana, reappointed for a term ending January 7, 1985; to serve at the pleasure of the Governor on the Board of Oil and Gas Conservation in accordance with the Senate Resolution, be voted upon with the ayes and nays spread upon the Journal. Motion carried by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Stephens.
Total 1

Absent or not voting: Manning.
Total 1

Senator Story moved that the appointment of Minnie Ellen Fritzler, Crow Agency Montana, reappointed for a term ending January 7, 1984, to serve at the pleasure of the Governor on the Board of Social and Rehabilitation Services Appeals in accordance with the Senate Resolution, be voted upon with the ayes and nays spread upon the Journal. Motion carried by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 47

Noes: None.
Total 0

Excused: Stephens.
Total 1

Absent or not voting: Hazelbaker, Manning.
Total 2

At the request of the President, and without objection, the Senate reverted to Order of Business No. 8.

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Nelson in the Chair.

Senate resumed. President Turnage in the Chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on Second Reading, recommend as follows:

That Senate Bill No. 345 do pass by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Stephens.
Total 1

Absent or not voting: None.
Total 0

That House Bill No. 183 be concurred in. Motion failed by the following vote:

Ayes: Anderson, Berg, Blaylock, Crippen, Dover, Eck, Etchart, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hazelbaker, Himsl, Jacobson, Keating, Mazurek, Norman, O'Hara, Olson, Regan, Tveit, Van Valkenburg.
Total 24

Noes: Aklestad, Boylan, B. Brown, S. Brown, Conover, Elliott, Hafferman, Hammond, Healy, Johnson, Kolstad, Lee, Manley, Manning, McCallum, Nelson, Ochsner, Ryan, Severson, Smith, Stimatz, Story, Towe, Mr. President.
Total 24

Excused: Stephens.

Total 1

Absent or not voting: Thomas.
Total 1

That the Committee rise and report. (Nelson, Chairman)

Upon motion of Senator Nelson, duly carried, the foregoing Report of the Committee of the Whole was adopted.

At the request of the President, and without objection, the Senate reverted to Order of Business No. 6.

MOTIONS

Upon motion of Senator Anderson, duly carried, that House Bill No. 138 be taken from the Committee on Bills and Journal and be rereferred to the Committee on Judiciary.

SPECIAL ORDERS OF THE DAY

CONSENT CALENDAR

House Bill No. 162 - Discussion

We, the undersigned Senators, hereby request the removal of House Bill No. 162 from the Consent Calendar so that it may be placed on Second Reading.

Senator Conover
Senator Manley
Senator Van Valkenburg

Upon motion of Senator Smith, duly carried, the Senate adjourned at 4:14 p.m. until Thursday, March 5, at the hour of 3:00 p.m.

JEAN A. TURNAGE
President of the Senate

JOHN W. LARSON
Secretary of the Senate

FORTY-NINTH LEGISLATIVE DAY

Helena, Montana
March 5, 1981

Senate Chambers
Capitol Building

Senate convened at 3:00 p.m., President Turnage presiding. Invocation by the Chaplain. Pledge of Allegiance to the Flag.

Roll call. All members present except Stephens, Stimatz, excused; Conover, Story, absent. Quorum present.

Mr. President: We, your Committee on Bills and Journal, having examined the daily journal for the Forty-eighth Legislative Day, find the same to be correct.

O'HARA, Chairman

REPORTS OF STANDING COMMITTEES

The Senate will please take note that the President did, at the hour of 4:20 p.m., 3/4/81, sign the following bills:
HB 94, HB 139.

Jean A. Turnage
President

BILLS (O'Hara, Chairman):
Correctly engrossed - SB 345. Report adopted.

AGRICULTURE, LIVESTOCK AND IRRIGATION (Galt, Chairman):
HB 269, be concurred in. Report adopted.
HB 324, be concurred in. Report adopted.

JUDICIARY (Anderson, Chairman):
HB 379, be concurred in. Report adopted.
HB 508, be concurred in. Report adopted.

HB 598, third reading bill, be amended as follows:

1. Page 1, line 20.
Following: "than"
Strike: "2"
Insert: "5"

And, as so amended, be concurred in. Report adopted.

NATURAL RESOURCES (Dover, Chairman):
HB 16, be concurred in. Report adopted.
HB 195, be concurred in. Report adopted.

PUBLIC HEALTH, WELFARE AND SAFETY (Hager, Chairman):
HB 50, be concurred in. Report adopted. A motion was made and passed unanimously to place House Bill 50 on the Consent Calendar.

NATURAL RESOURCES (Dover, Chairman):
HB 509, be concurred in. Report adopted.

STATE ADMINISTRATION (Story, Chairman):
HB 342, be concurred in. Report adopted.
HB 505, be concurred in. Report adopted.

PUBLIC HEALTH, WELFARE AND SAFETY (Hager, Chairman):
HJR 6, be concurred in. Report adopted.

Senator Story entered the Senate Chamber at 3:07 p.m.

JUDICIARY (Anderson, Chairman):
HB 485, be not concurred in.

Thereupon, the Adverse Committee Report was adopted by the following roll call vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 44

Noes: S. Brown, Lee.
Total 2

Excused: Stephens, Stimatz.
Total 2

Absent or not voting: Conover, Manley.
Total 2

STATE ADMINISTRATION (Story, Chairman):
HB 108, be not concurred in.

Thereupon, the Adverse Committee Report was adopted by the following roll call vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Mazurek, McCallum, Nelson, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 43

Noes: None.
Total 0

Excused: Stephens, Stimatz.
Total 2

Absent or not voting: Conover, Hafferman, Manley, Manning, Norman.
Total 5

MESSAGES FROM THE GOVERNOR

March 5, 1981

The Honorable Jean Turnage
President of the Montana Senate
State Capitol
Helena, Montana 59620

Dear President Turnage:

I respectfully submit to the Montana Senate the following appointments:

As members of the Board of Livestock, in accordance with Section 2-15-3102:

Ralph J. Parker, Fort Shaw, reappointed to serve a term ending March ., 1987;

Donald L. Herzog, Rapelje, reappointed to serve a term ending March 1, 1987;

John Kelly, Red Lodge, appointed to serve a term ending March 1, 1987.

Sincerely,

TED SCHWINDEN
Governor

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following House Joint Resolutions were on 3/4/81, passed and transmitted to the Senate for concurrence:

House Joint Resolution No. 23, introduced by Donaldson (94-3)

House Joint Resolution No. 25, introduced by Harper (77-22)

House Joint Resolution No. 27, introduced by Quilici (94-4)

House Joint Resolution No. 33, introduced by Shontz (89-9)

The following Senate Bills were on 3/4/81, concurred in and returned to the Senate:

Senate Bill No. 62, introduced by Mazurek (94-5)

Senate Bill No. 67, introduced by Johnson (98-1)

Senate Bill No. 79, introduced by Dover (86-12)

Senate Bill No. 128, introduced by Norman (93-6)

Senate Bill No. 132, introduced by Keating (99-0)

Senate Bill No. 168, introduced by Healy (99-0)

Senate Bill No. 169, introduced by Healy (97-2)

Senate Bill No. 185, introduced by Graham (97-2)

Senate Bill No. 186, introduced by Graham (97-2)

Senate Bill No. 296, introduced by Tveit (90-9)

Senate Bill No. 304, introduced by Hazelbaker (98-0)

Senate Bill No. 346, introduced by Graham (77-22)

MOTIONS

Upon motion of Senator Hager, duly carried, that House Bill No. 717 be taken from the Committee on State Administration and be rereferred to the Committee on Public Health, Welfare and Safety.

Upon motion of Senator Goodover, duly carried, that House Bill No. 385 be taken from the Committee on Taxation and be rereferred to the Committee on Business and Industry.

Senator Conover entered the Senate Chamber.

Motion was made by Senator Van Valkenburg that House Bill No. 162 be taken from Second Reading and rereferred to the Committee on Judiciary.

FIRST READING OF BILLS

The following House Joint Resolutions were introduced, read first time and referred to committees:

HJR 23, introduced by Donaldson, Hager. Referred to Committee on State Administration.

HJR 25, introduced by Harper, Dozier, Harrington, Daily, Dussault, Quilici, Huennekens, Roush, Waldron, Kennerly, M. Hart, Metcalf, Nilson, Menahan, R. Manning, Pistoria, O'Connell, Shontz, Robbins, Zabrocki. Referred to Committee on Labor and Employment Relations.

HJR 27, introduced by Quilici, Marks, Shontz, Lory, Pavlovich, Donaldson. Referred to Committee on Highways and Transportation.

HJR 33, introduced by Shontz, Fabrega, (By Request of the House Business and Industry Committee). Referred to Committee on Highways and Transportation.

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Keating in the Chair.

Senate resumed. President Turnage in the Chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on Second Reading, recommend as follows:

That House Bill No. 183 be concurred in. Motion failed by the following vote:

Ayes: Anderson, Berg, Blaylock, Crippen, Dover, Eck, Etchart, Goodover, Haffey, Hager, Halligan, Hazelbaker, Himsl, Jacobson, Keating, Manley, Mazurek, Norman, O'Hara, Regan, Tveit, Van Valkenburg.
Total 22

Noes: Aklestad, Boylan, B. Brown, S. Brown, Conover, Elliott, Galt, Graham, Hafferman, Hammond, Healy, Johnson, Kolstad, Lee, Manning, McCallum, Nelson, Ochsner, Olson, Ryan, Severson, Smith, Story, Thomas, Towe, Mr. President.
Total 26

Excused: Stephens, Stimatz.
Total 2

Absent or not voting: None.
Total 0

That House Bill No. 183 be indefinitely postponed. Motion carried by the following vote:

Ayes: Aklestad, Boylan, B. Brown, S. Brown, Conover, Dover, Elliott, Galt, Graham, Hafferman, Hammond, Healy, Johnson, Keating, Kolstad, Lee, Manley, Manning, McCallum, Nelson, Ochsner, Ryan, Severson, Smith, Story, Thomas, Towe, Mr. President.
Total 28

Noes: Anderson, Berg, Blaylock, Crippen, Eck, Etchart, Goodover, Haffey, Hager, Halligan, Hazelbaker, Himsl, Jacobson, Mazurek, Norman, O'Hara, Olson, Regan, Tveit, Van Valkenburg.
Total 20

Excused: Stephens, Stimatz.
Total 2

Absent or not voting: None.
Total 0

That House Bill No. 153 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 47

Noes: Keating.
Total 1

Excused: Stephens, Stimatz.
Total 2

Absent or not voting: None.
Total 0

That House Bill No. 331 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Stephens, Stimatz.
Total 2

Absent or not voting: None.
Total 0

That House Bill No. 344 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Stephens, Stimatz.
Total 2

Absent or not voting: None.
Total 0

That House Bill No. 464 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan,

Severson, Smith, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Stephens, Stimatz.
Total 2

Absent or not voting: None.
Total 0

That House Bill No. 641 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Stephens, Stimatz.
Total 2

Absent or not voting: None.
Total 0

That Governor's Amendments to House Bill No. 76 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Stephens, Stimatz.
Total 2

Absent or not voting: None.
Total 0

That the Committee rise and report. (Keating, Chairman)

Upon motion of Senator Keating, duly carried, the foregoing Report of the Committee of the Whole was adopted.

At the request of the President, and without objection, the Senate reverted to Order of Business No. 6.

MOTIONS

Motion was made by Senator Smith that the rules of the Forty-seventh Legislative Session be temporarily suspended in order to place House Bill

No. 641 on Third Reading this Legislative Day. Motion carried by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Story, Thomas, Towe, Van Valkenburg, Mr. President.
Total 46

Noes: None.
Total 0

Excused: Stephens, Stimatz.
Total 2

Absent or not voting: Conover, Tveit.
Total 2

THIRD READING OF BILLS

The following bill having been read three several times, title and history agreed to, was disposed of in the following manner:

House Bill No. 641 was concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Story, Thomas, Towe, Van Valkenburg, Mr. President.
Total 46

Noes: None.
Total 0

Excused: Stephens, Stimatz.
Total 2

Absent or not voting: Conover, Tveit.
Total 2

Upon motion of Senator Smith, duly carried, the Senate adjourned at 4:00 p.m. until Friday, March 6, at the hour of 3:00 p.m.

JEAN A. TURNAGE
President of the Senate

JOHN W. LARSON
Secretary of the Senate

FIFTIETH LEGISLATIVE DAY

Helena, Montana
March 6, 1981

Senate Chambers
Capitol Building

Senate convened at 3:00 p.m., President Pro Tempore Kolstad presiding. Invocation by the Chaplain. Pledge of Allegiance to the Flag.

Roll call. All members present except Stephens, excused. Quorum present.

Mr. President: We, your Committee on Bills and Journal, having examined the daily journal for the Forty-ninth Legislative Day, find the same to be correct.

O'HARA, Chairman

REPORTS OF STANDING COMMITTEES

COMMITTEE ON COMMITTEES (Galt, Chairman):
Does hereby appoint to the Environmental Quality Council the following members:

Senator Harold Dover
Senator Gary Lee
Senator Dorothy Eck
Senator Michael Halligan

Report adopted.

Does hereby appoint to the Legislative Council the following members:

Senator Pat M. Goodover
Senator Jesse A. O'Hara
Senator Joseph P. Mazurek
Senator Carroll Graham

Report adopted.

BUSINESS AND INDUSTRY (Hazelbaker, Chairman):
HB 14, be concurred in. Report adopted.
HB 30, be concurred in. Report adopted.

HB 104, third reading copy, be amended as follows:

1. Page 1, line 24.
Following: "~~cooperative~~"
Strike: "AND CONFIRMED BY THE MEMBERSHIP"

And, as so amended, be concurred in. Report adopted.

HB 141, be concurred in. Report adopted.
HB 309, be concurred in. Report adopted.

LOCAL GOVERNMENT (McCallum, Chairman):
HB 202, be concurred in. Report adopted.
HB 256, be concurred in. Report adopted.

NATURAL RESOURCES (Etchart, Vice-Chairman):
HB 277, be concurred in. Report adopted.
HB 306, be concurred in. Report adopted.

PUBLIC HEALTH, WELFARE AND SAFETY (Hager, Chairman):
HB 91, third reading copy, be amended as follows:

1. Page 2, line 25.
Following: "guide"
Insert: "or hearing"

2. Page 3, line 2.
Following: "guide"
Insert: "or hearing"

3. Page 3, line 4.
Following: "guide"
Insert: "or hearing"

4. Page 3, line 8.
Following: "guide"
Insert: "or hearing"
Following: "guide"
Insert: "or hearing"

5. Page 3, line 11.
Following: "guide"
Insert: "or hearing"

6. Page 3, line 12.
Following: "guide"
Insert: "or hearing"

And, as so amended, be concurred in. Report adopted.

March 4, 1981

The Honorable Chet Blaylock
Senate Minority Leader
Capitol Building
Helena, Montana 59620

Re: Appointment of Public Member to the Environmental Quality Council

Dear Senator:

Pursuant to Section 5-16-101 MCA, I am submitting the name of Frank S. Stock of Polson, Montana as one of the two public members to be appointed by the President of the Senate to the Montana Environmental Quality Council.

I respectfully seek your consent to this appointment.

Sincerely,

J. A. Turnage
President of the Senate

Report adopted.

March 4, 1981

The Honorable Chet Blaylock
Senate Minority Leader
Capitol Building
Helena, Montana 59620

Re: Appointment of Public Member to the Environmental Quality Council

Dear Senator:

Pursuant to Section 5-16-101 MCA, I am submitting the name of Glen T. Rugg of Plevna, Montana as one of the two public members to be

appointed by the President of the Senate to the Montana Environmental Quality Council.

I respectfully seek your consent to this appointment.

Sincerely,

J. A. Turnage
President of the Senate

March 5, 1981

The Honorable Jean Turnage
President of the Senate
Montana State Senate

Dear Jean: I concur in the appointments of the two laymen, Frank S. Stock and Glen T. Rugg, that you made to the Environmental Quality Council.

Sincerely,

Chet Blaylock
Minority Leader

Report adopted.

At this time, President Turnage appointed the following Senators to be members of the Memorial Committee for the Forty-seventh Legislative Session's Memorial Services, to be held March 15, 1981.

Senator Stephens
Senator Graham
Senator Hammond
Senator Haffey
Senator Boylan
Senator Turnage
Senator Elliott
Senator Hazelbaker
Senator Ochsner
Senator Aklestad
Senator Galt

Report adopted.

REPORTS OF SELECT COMMITTEES

March 5, 1981

Senator Jean A. Turnage
PRESIDENT OF THE SENATE

Dear Senator Turnage:

We, your Select Committee on House Joint Resolution No. 5, report that we met, heard testimony, and recommended the introduction of a joint resolution, a draft of which is attached hereto, which resolution is recommended to be introduced by the Senate Taxation Committee.

Sincerely,

Pat M. Goodover
Chairman

Report adopted.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following Senate Bills were on 3/5/81, concurred in and returned t the Senate:

Senate Bill No. 59, introduced by S. Brown (86-8)

Senate Bill No. 136, introduced by Etchart (81-14)

The following House Bills were on 3/5/81, passed and transmitted to the Senate for concurrence:

House Bill No. 288, introduced by Fabrega (94-0)

House Bill No. 629, introduced by Harrington (94-1)

House Bill No. 763, introduced by Pistoria (90-5)

House Bill No. 775, introduced by Nordtvedt (93-1)

FIRST READING OF BILLS

The following House bills were introduced, read first time and referred to committees:

HB 288, introduced by Fabrega. Referred to Committee on Taxation.
HB 629, introduced by Harrington, Daily, Quilici, Ellison, Dozier, Pavlovich, McBride, D. Brown, Menahan, Stimatz, J. Jacobson, Burnett, Shelden, Bertelsen, Healy, Kandueh, Towe, Haffey. Referred to Committee on Taxation.
HB 763, introduced by Pistoria, Ryan, Meyer, O'Connell. Referred to Committee on Taxation.
HB 775, introduced by Nordvedt, (By Request of the House Taxation Committee). Referred to Committee on Taxation.

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Jacobson in the Chair.

Senate resumed. President Pro Tempore Kolstad in the Chair.

Mr. President Pro Tempore: We, your Committee of the Whole, having had under consideration business on Second Reading, recommend as follows:

That House Bill No. 3 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Stephens.
Total 1

Absent or not voting: None.
Total 0

That House Bill No. 60 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham,

Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Stephens.
Total 1

Absent or not voting: None.
Total 0

That House Bill No. 140 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Stephens.
Total 1

Absent or not voting: None.
Total 0

That House Bill No. 145 be concurred in by the following vote:

Ayes: Anderson, Berg, S. Brown, Conover, Eck, Etchart, Galt, Graham, Hafferman, Haffey, Hammond, Healy, Jacobson, Johnson, Kolstad, Manning, Mazurek, McCallum, Ochsner, O'Hara, Smith, Stimatz, Story, Thomas, Tveit, Van Valkenburg.
Total 26

Noes: Aklestad, Blaylock, Crippen, Dover, Goodover, Hager, Halligan, Himsl, Keating, Lee, Manley, Nelson, Norman, Olson, Regan, Ryan.
Total 16

Excused: Stephens.
Total 1

Absent or not voting: Boylan, B. Brown, Elliott, Hazelbaker, Severson, Towe, Mr. President.
Total 7

That House Bill No. 150 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg Mr. President.

Total 49

Noes: None.
Total 0

Excused: Stephens.
Total 1

Absent or not voting: None.
Total 0

That House Bill No. 199 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Stephens.
Total 1

Absent or not voting: None.
Total 0

That House Bill No. 203 be concurred in. Motion failed by the following vote:

Ayes: Etchart, Goodover, Hammond, Johnson, Kolstad, Lee, McCallum, Nelson, Ochsner, O'Hara, Olson, Story.
Total 12

Noes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Galt, Graham, Hafferman, Haffey, Hager, Halligan, Healy, Himsl, Jacobson, Keating, Manley, Manning, Mazurek, Norman, Regan, Ryan, Severson, Smith, Stimatz, Thomas, Towe, Tveit, Van Valkenburg.
Total 34

Excused: Stephens.
Total 1

Absent or not voting: Elliott, Hazelbaker, Mr. President.
Total 3

That House Bill No. 203 be indefinitely postponed. Motion carried by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Healy, Himsl, Jacobson, Johnson, Keating, Manley, Manning, Mazurek, Norman, O'Hara, Regan, Ryan, Severson, Smith, Stimatz, Thomas, Towe, Tveit, Van Valkenburg.
Total 37

Noes: Etchart, Hammond, Kolstad, Lee, McCallum, Nelson, Ochsner, Olson, Story.
Total 9

Excused: Stephens.
Total 1

Absent or not voting: Elliott, Hazelbaker, Mr. President.
Total 3

That House Bill No. 254 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Stephens.
Total 1

Absent or not voting: None.
Total 0

That House Bill No. 274 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Stephens.
Total 1

Absent or not voting: None.
Total 0

That House Bill No. 301, without objection, be placed at the bottom of the board.

That House Bill No. 315 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Stephens.

Total 1

Absent or not voting: None.
Total 0

That House Bill No. 335 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Stephens.
Total 1

Absent or not voting: None.
Total 0

That House Bill No. 387 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Stephens.
Total 1

Absent or not voting: None.
Total 0

That House Bill No. 301 pass consideration. Unanimously passed.

That the Committee rise and report. (Jacobson, Chairman)

Upon motion of Senator Jacobson, duly carried, the foregoing Report of the Committee of the Whole was adopted.

At the request of Senator Goodover, and without objection, the Senate reverted to Order of Business No. 6.

MOTIONS

Senator Goodover moved that the Senate reconsider its action taken on the adoption of indefinitely postponing House Bill No. 183. Senator Boylan moved the previous question. Motion failed by the following vote:

Ayes: Anderson, Boylan, Dover, Elliott, Galt, Graham, Hafferman, Haffey, Halligan, Healy, Johnson, Lee, Manley, McCallum, Norman, Ochsner, Olson, Ryan, Smith, Stimatz, Story, Tveit, Mr. President.
Total 23

Noes: Aklestad, Berg, Blaylock, B. Brown, S. Brown, Conover, Crippen, Eck, Etchart, Goodover, Hager, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Manning, Mazurek, Nelson, O'Hara, Regan, Severson, Towe, Van Valkenburg.
Total 25

Excused: Stephens.
Total 1

Absent or not voting: Thomas.
Total 1

Senator Goodover moved that the Senate reconsider its action taken on the adoption of indefinitely postponing House Bill No. 183 and that it be printed and placed on Second Reading. Motion failed by the following vote:

Ayes: Anderson, Berg, Blaylock, Conover, Crippen, Eck, Etchart, Galt, Goodover, Haffey, Hager, Halligan, Hazelbaker, Himsl, Keating, Mazurek, Norman, O'Hara, Regan, Thomas, Van Valkenburg.
Total 21

Noes: Aklestad, Boylan, B. Brown, S. Brown, Dover, Elliott, Graham, Hafferman, Hammond, Healy, Jacobson, Johnson, Kolstad, Lee, Manley, Manning, McCallum, Nelson, Ochsner, Olson, Ryan, Severson, Smith, Stephens, Stimatz, Story, Towe, Tveit, Mr. President.
Total 29

Excused: None.
Total 0

Absent or not voting: None.
Total 0

(Including the following pair: Hazelbaker, aye - Stephens, no.)

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

Senate Bill No. 345 was passed by the following vote:

Ayes: Aklestad, Anderson, Berg, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Severson, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg.
Total 43

Noes: Hafferman, Lee, Smith.
Total 3

Excused: Stephens.
Total 1

Absent or not voting: Blaylock, Ryan, Mr. President.
Total 3

Governor's Amendments to House Bill No. 6 were concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Boylan, B. Brown, S. Brown, Conover Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Haffey

Hager, Halligan, Hammond, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 46

Noes: Hafferman.
Total 1

Excused: Stephens.
Total 1

Absent or not voting: Blaylock, Hazelbaker.
Total 2

SPECIAL ORDERS OF THE DAY

CONSENT CALENDAR

House Bill No. 50 - Discussion

Upon motion of Senator Smith, duly carried, the Senate adjourned at 4:31 p.m. until Saturday, March 7, at the hour of 3:00 p.m.

ALLEN C. KOLSTAD
President Pro Tempore of the Senate

JOHN W. LARSON
Secretary of the Senate

FIFTY-FIRST LEGISLATIVE DAY

Helena, Montana
March 7, 1981

Senate Chambers
Capitol Building

Senate convened at 3:00 p.m., President Turnage presiding. Invocation by the Chaplain. Pledge of Allegiance to the Flag.

Roll call. All members present except Dover, Hammond, Halligan, Severson, Story, Stephens, excused. Quorum present.

Mr. President: We, your Committee on Bills and Journal, having examined the daily journal for the Fiftieth Legislative Day, find the same to be correct.

O'HARA, Chairman

A RESOLUTION ACKNOWLEDGING THE 100TH ANNIVERSARY OF THE CITY OF HELENA CHARTER AND ENDORSING "CENTENNIAL YEAR" FOR THE CITY OF HELENA, MONTANA.

WHEREAS, the City of Helena will celebrate One Hundred Years of being chartered as a city on March 7, 1881; and

WHEREAS, the City of Helena is the State of Montana's Capital City and it is fitting that the Senate of the State of Montana should give official recognition to this notable anniversary and the year long activities that have been planned for this centennial celebration.

NOW, THEREFORE, BE IT HEREBY RESOLVED that the Senate of the State of Montana does hereby officially endorse the City of Helena's "Centennial Year" and urge full support of the citizens in planning and attending activities in recognition of this worthy anniversary of our Capital City.

REPORTS OF STANDING COMMITTEES

I have examined Senate Bill No. 59 introduced by me and find the same to be correct. (S. Brown)

I have examined Senate Bill No. 62 introduced by me and find the same to be correct. (Mazurek)

I have examined Senate Bill No. 67 introduced by me and find the same to be correct. (J. Johnson)

I have examined Senate Bill No. 79 introduced by me and find the same to be correct. (Dover)

I have examined Senate Bill No. 128 introduced by me and find the same to be correct. (Norman)

I have examined Senate Bill No. 132 introduced by me and find the same to be correct. (Keating)

I have examined Senate Bill No. 136 introduced by me and find the same to be correct. (Etchart)

I have examined Senate Bill No. 168 introduced by me and find the same to be correct. (Healy)

I have examined Senate Bill No. 169 introduced by me and find the same to be correct. (Healy)

I have examined Senate Bill No. 185 introduced by me and find the same to be correct. (Graham)

I have examined Senate Bill No. 186 introduced by me and find the same to be correct. (Graham)

I have examined Senate Bill No. 296 introduced by me and find the same to be correct. (Tveit)

I have examined Senate Bill No. 304 introduced by me and find the same to be correct. (Hazelbaker)

I have examined Senate Bill No. 346 introduced by me and find the same to be correct. (Graham)

BILLS (O'Hara, Chairman):
Correctly enrolled - SB 59, SB 62, SB 67, SB 79, SB 128, SB 132, SB 136, SB 168, SB 169, SB 185, SB 186, SB 296, SB 304, SB 346. Report adopted.

The Senate will please take note that the President did, at the hour of 3:30 p.m., 3/7/81, sign the following bills:
SB 59, SB 62, SB 67, SB 79, SB 128, SB 132, SB 136, SB 168, SB 169, SB 185, SB 186, SB 296, SB 304, SB 346.

Jean A. Turnage
President

The Senate will please take note that the President did, at the hour of 1:20 p.m., 3/7/81, sign the following bill:
HB 641.

Jean A. Turnage
President

LEGISLATIVE ADMINISTRATION (Kolstad, Chairman):
Respectfully reports as follows:

That the following attache of the Senate be employed as of 8:00 a.m. on March 7, 1981:

Shana Hammond.....Page

Report adopted.

TAXATION (Goodover, Chairman):
SB 361, do pass. Report adopted.

EDUCATION AND CULTURAL RESOURCES (B. Brown, Chairman):
SJR 25, do pass. Report adopted.

AGRICULTURE, LIVESTOCK AND IRRIGATION (Galt, Chairman):
HB 100, third reading bill, be amended as follows:

1. Page 5, line 20.
Following: "association."
Insert: "Before the department may take further action to abandon, sell, or otherwise dispose of a project which involves a water users' association, the department must receive a petition approving the abandonment, sale, or disposition which is signed by stockholders of the association representing 66 ⅔% or more of the issued and outstanding stock of the association."

2. Page 5, line 20.
Following: "of the"

Strike: "notice"
Insert: "final proposal"

And, as so amended, be concurred in. Report adopted.

HB 452, third reading bill, be amended as follows:

1. Page 14, line 6.
Following: "formulate,"
Strike: "use,"
Insert: "or"
Following: "store"
Strike: ",apply, or attempt to apply"

2. Page 15, line 21.
Following: "writing"
Insert: ","
Following: "or"
Insert: "by"

And, as so amended, be concurred in. Report adopted.

HB 524, third reading bill, be amended as follows:

1. Title, line 6.
Following: "PROVISIONS;"
Strike: "AND"
Following: "AMENDING"
Strike: "SECTIONS"
Insert: "SECTION"

2. Title, line 7.
Following: "80-3-601"
Strike: "AND 80-5-201"

3. Page 1, line 25 through line 18 on page 3.
Strike: Section 2 in its entirety

And, as so amended, be concurred in. Report adopted.

EDUCATION AND CULTURAL RESOURCES (B. Brown, Chairman):
HB 272, be concurred in. Report adopted.

HB 404, third reading bill, be amended as follows:

1. Page 2, line 17.
Following: "(1)"
Strike: "(d)"
Insert: "(c)"

And, as so amended, be concurred in. Report adopted.

FINANCE AND CLAIMS (Himsl, Chairman):
HB 639, be concurred in. Report adopted.
HB 677, be concurred in. Report adopted.
HB 696, be concurred in. Report adopted.

HIGHWAYS AND TRANSPORTATION (Etchart, Chairman):
HB 421, be concurred in. Report adopted.

EDUCATION AND CULTURAL RESOURCES (B. Brown, Chairman):
HJR 30, be concurred in. Report adopted.

TAXATION (Goodover, Chairman):
SB 358, do not pass.

Thereupon, the Adverse Committee Report was adopted by the following roll call vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, S. Brown, Conover, Crippen, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Manley, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Smith, Stimatz, Thomas, Towe, Tveit, Van Valkenburg.
Total 39

Noes: B. Brown, Kolstad, Lee, Mr. President.
Total 4

Excused: Dover, Halligan, Hammond, Severson, Stephens, Story.
Total 6

Absent or not voting: Manning.
Total 1

SB 447, do not pass.

Thereupon, the Adverse Committee Report was adopted by the following roll call vote:

Ayes: Anderson, Berg, Blaylock, Boylan, S. Brown, Conover, Crippen, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Smith, Thomas, Towe, Tveit, Van Valkenburg.
Total 36

Noes: Aklestad, B. Brown, Kolstad, Lee, Manley, Stimatz, Mr. President.
Total 7

Excused: Dover, Halligan, Hammond, Severson, Stephens, Story.
Total 6

Absent or not voting: Manning.
Total 1

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following Senate Bill was on 3/7/81, on Second Reading, not concurred in and returned to the Senate:

Senate Bill No. 249, introduced by Dover

The following Senate Bills were on 3/7/81, on Committee Report, not concurred in and returned to the Senate:

Senate Bill No. 154, introduced by Kolstad

Senate Bill No. 86, introduced by Galt

Senate Bill No. 105, introduced by Galt

Senate Bill No. 274, introduced by Eck

The following Senate Bills were on 3/7/81, concurred in and returned to the Senate:

Senate Bill No. 90, introduced by Goodover, Fabrega (89-3)

Senate Bill No. 91, introduced by Goodover, Fabrega (88-8)

Senate Bill No. 143, introduced by Hazelbaker (90-5)

Senate Bill No. 24, introduced by Hafferman (87-13)

Senate Bill No. 27, introduced by S. Brown (87-7)

Senate Bill No. 28, introduced by Mazurek (93-2)

Senate Bill No. 38, introduced by Turnage (90-5)

Senate Bill No. 43, introduced by S. Brown (87-8)

Senate Bill No. 63, introduced by Mazurek (93-2)

Senate Bill No. 69, introduced by Hager, Kitselman (72-22)

MOTIONS

Upon motion of Senator Lee, duly carried, that House Bill No. 145 be taken from the Committee on Bills and Journal and be printed and placed on Second Reading.

Senator Aklestad moved that the Senate reconsider its action taken on the adoption of an Adverse Committee Report on Senate Bill No. 447 this Legislative Day. Motion failed by the following vote:

Ayes: Aklestad, Anderson, B. Brown, Galt, Healy, Kolstad, Lee, Manley, Nelson, Ryan, Smith, Stimatz, Mr. President.
Total 13

Noes: Berg, Blaylock, Boylan, S. Brown, Conover, Crippen, Eck, Elliott, Etchart, Goodover, Graham, Hafferman, Haffey, Hager, Hazelbaker, Himsl, Jacobson, Johnson, Keating, Manning, Mazurek, McCallum, Norman, Ochsner, Olson, Regan, Thomas, Towe, Tveit, Van Valkenburg.
Total 30

Excused: Dover, Halligan, Hammond, Severson, Stephens, Story.
Total 6

Absent or not voting: O'Hara.
Total 1

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

House Bill No. 50 was concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Hazelbaker, Healy, Himsl, Jacobson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Smith, Stimatz, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 43

Noes: None.
Total 0

Excused: Dover, Halligan, Hammond, Johnson, Severson, Stephens, Story.
Total 7

Absent or not voting: None.
Total 0

House Bill No. 153 was concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Smith, Stimatz, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 43

Noes: Keating.
Total 1

Excused: Dover, Halligan, Hammond, Severson, Stephens, Story.
Total 6

Absent or not voting: None.
Total 0

House Bill No. 331 was concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Smith, Stimatz, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 44

Noes: None.
Total 0

Excused: Dover, Halligan, Hammond, Severson, Stephens, Story.
Total 6

Absent or not voting: None.
Total 0

House Bill No. 344 was concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Smith, Stimatz, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 44

Noes: None.
Total 0

Excused: Dover, Halligan, Hammond, Severson, Stephens, Story.
Total 6

Absent or not voting: None.
Total 0

House Bill No. 464 was concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Smith, Stimatz, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 44

Noes: None.
Total 0

Excused: Dover, Halligan, Hammond, Severson, Stephens, Story.
Total 6

Absent or not voting: None.
Total 0

At the request of the President, and without objection, the Senate reverted to Order of Business No. 8.

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Aklestad in the Chair.

Senate resumed. President Turnage in the Chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on Second Reading, recommend as follows:

That House Bill No. 301 be amended as follows:

1. Page 2.
Following: line 24
Insert: "Such order shall have the force and effect of a civil judgment against the person named in the order and may be enforced as provided in Title 25, chapter 13, for civil judgments. The court may order a part or all of the restitution be paid in installments, provided the final installment is paid 30 days before release of state authority over the person through termination of a deferred imposition of sentence, a suspended sentence, or parole. Full payment must be made or installments commenced within 6 months of conviction. Payment may be made to the clerk of the district court. If payment of restitution is made a condition of the deferred imposition of sentence, a suspended sentence, or parole, such status may not be revoked for default if the default is not attributable to an intentional refusal to pay or a failure to make a good faith effort to make the payment."

Amendment passed by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Ryan, Smith, Stimatz, Thomas, Tveit, Van Valkenburg, Mr. President.
Total 41

Noes: Mazurek, Regan, Towe.
Total 3

Excused: Dover, Halligan, Hammond, Severson, Stephens, Story.
Total 6

Absent or not voting: None.
Total 0

That House Bill No. 301, as amended, be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Eck, Elliott, Etchart, Galt, Goodover, Graham,

Hafferman, Haffey, Hager, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Ryan, Smith, Stimatz, Thomas, Tveit, Van Valkenburg, Mr. President.
Total 41

Noes: Mazurek, Regan, Towe.
Total 3

Excused: Dover, Halligan, Hammond, Severson, Stephens, Story.
Total 6

Absent or not voting: None.
Total 0

That House Bill No. 195 be amended as follows:

1. Title, line 6.
Following: "~~10~~"
Strike: "5"
Insert: "10"

2. Page 1, line 12.
Following: "~~10~~"
Strike: "5"
Insert: "10"

Amendments passed by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Smith, Stimatz, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 43

Noes: Lee.
Total 1

Excused: Dover, Halligan, Hammond, Severson, Stephens, Story.
Total 6

Absent or not voting: None.
Total 0

That House Bill No. 195, as amended, be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Eck, Elliott, Etchart, Galt, Graham, Hafferman, Haffey, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Smith, Stimatz, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 42

Noes: Goodover, Hager.
Total 2

Excused: Dover, Halligan, Hammond, Severson, Stephens, Story.
Total 6

Absent or not voting: None.

Total 0

That House Bill No. 269 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Smith, Stimatz, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 44

Noes: None.
Total 0

Excused: Dover, Halligan, Hammond, Severson, Stephens, Story.
Total 6

Absent or not voting: None.
Total 0

That House Bill No. 324 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Smith, Stimatz, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 44

Noes: None.
Total 0

Excused: Dover, Halligan, Hammond, Severson, Stephens, Story.
Total 6

Absent or not voting: None.
Total 0

That House Bill No. 342 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Smith, Stimatz, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 44

Noes: None.
Total 0

Excused: Dover, Halligan, Hammond, Severson, Stephens, Story.
Total 6

Absent or not voting: None.
Total 0

That House Bill No. 379 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Eck, Elliott, Etchart, Galt, Goodover, Graham Hafferman, Haffey, Hager, Hazelbaker, Healy, Himsl, Jacobson, Johnson

Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Smith, Stimatz, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 44

Noes: None.
Total 0

Excused: Dover, Halligan, Hammond, Severson, Stephens, Story.
Total 6

Absent or not voting: None.
Total 0

That House Bill No. 505 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, B. Brown, S. Brown, Conover, Eck, Elliott, Etchart, Goodover, Hafferman, Haffey, Healy, Jacobson, Johnson, Kolstad, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, Olson, Regan, Smith, Stimatz, Thomas, Towe, Van Valkenburg.
Total 30

Noes: Boylan, Crippen, Galt, Hager, Hazelbaker, Himsl, Keating, Manley, O'Hara, Ryan, Tveit, Mr. President.
Total 12

Excused: Dover, Halligan, Hammond, Severson, Stephens, Story.
Total 6

Absent or not voting: Graham, Lee.
Total 2

That House Bill No. 508 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Smith, Stimatz, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 44

Noes: None.
Total 0

Excused: Dover, Halligan, Hammond, Severson, Stephens, Story.
Total 6

Absent or not voting: None.
Total 0

That House Bill No. 509 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Eck, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Smith, Stimatz, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 43

Noes: Elliott.
Total 1

Excused: Dover, Halligan, Hammond, Severson, Stephens, Story.

Total 6

Absent or not voting: None.
Total 0

That the Committee rise and report. (Aklestad, Chairman)

Upon motion of Senator Aklestad, duly carried, the foregoing Report of the Committee of the Whole was adopted.

At the request of Senator Anderson, and without objection, the Senate reverted to Order of Business No. 6.

MOTIONS

Upon motion of Senator Anderson, duly carried, that House Bill No. 379 be taken from the Committee on Bills and Journal and be rereferred to the Committee on Judiciary.

Upon motion of Senator Smith, duly carried, the Senate adjourned at 4:23 p.m. until March 9, at the hour of 3:00 p.m.

JEAN A. TURNAGE
President of the Senate

JOHN W. LARSON
Secretary of the Senate

FIFTY-SECOND LEGISLATIVE DAY

Helena, Montana
March 9, 1981

Senate Chambers
Capitol Building

Senate convened at 3:00 p.m., President Turnage presiding. Invocation by the Chaplain. Pledge of Allegiance to the Flag.

Roll call. All members present except Dover, Etchart, Thomas, Van Valkenburg, excused. Quorum present.

Mr. President: We, your Committee on Bills and Journal, having examined the daily journal for the Fifty-first Legislative Day, find the same to be correct.

O'HARA, Chairman

REPORTS OF STANDING COMMITTEES

PRINTING (O'Hara, Chairman):
Correctly printed and placed on the members' desks - SB 361, SJR 25. Report adopted.

BILLS (O'Hara, Chairman):
Signed by the Speaker of the House and President of the Senate, 3/9/81, at the hour of 2:15 p.m., delivered to the Governor for his approval - SB 59, SB 62, SB 67, SB 79, SB 128, SB 132, SB 136, SB 168, SB 169, SB 185, SB 186, SB 296, SB 304, SB 346. Report adopted.

The Senate will please take note that the President did, at the hour of 3:30 p.m., 3/9/81, sign the following bill:
HB 76.

Jean A. Turnage
President

LEGISLATIVE ADMINISTRATION (Kolstad, Chairman):
Respectfully reports as follows:

That the following attaches of the Senate be terminated as of 5:00 p.m. on March 7, 1981:

Lisa Dowling ..... Page
Karren Kemmer ..... Page
Rhoda McIntire ..... Page
Bev Owings ..... Page
Kema Soderberg ..... Page
David Sturgis ..... Page
Laura Zook ..... Page
Becky Aklestad ..... Page
Shana Hammond ..... Page

That the following attaches of the Senate be employed as of 8:00 a.m. on March 9, 1981:

Ken Crippen ..... Page
Stefani Green ..... Page
Kori Herzog ..... Page
Terry Keating ..... Page
Jim Lochridge ..... Page
Martha Sheehy ..... Page
Kristin Manska ..... Page
Cindi Buchanan ..... Page

Janet Muller.....Page

Report adopted.

TAXATION (Goodover, Chairman):
SB 221, introduced bill, be amended as follows:

1. Page 6, line 7.
Following: "payable"
Insert: "as follows:

(a) one-half of such taxes shall be payable"

2. Page 6, line 13.
Following: line 12
Insert: "(b) one-half of such taxes shall be payable on or before 5 p.m. on May 31 of each year, and in the event the same are not paid on or before said date, the same shall be subject to the same interest and penalty for nonpayment as delinquent property taxes under 15-16-102."

And, as so amended, do pass. Report adopted.

BUSINESS AND INDUSTRY (Hazelbaker, Chairman):
HB 238, third reading bill, be amended as follows:

1. Title, line 9.
Following: "DATE"
Insert: "AND TERMINATION DATE"

2. Page 5, line 9.
Following: "date"
Insert: " — termination"

3. Page 5, line 10.
Following: "approval"
Insert: "and terminates on July 1, 1983"

And, as so amended, be concurred in. Report adopted.

HB 239, third reading bill, be amended as follows:

1. Title, line 8.
Following: "DATE"
Insert: "AND TERMINATION DATE"

2. Page 4, lines 6 through 10.
Following: "LAW"
Strike: remainder of line 6 through "THEREUNDER" on line 10
Insert: "the finance charge included in a retail charge account agreement shall be at a rate agreed upon by the retail seller and the buyer"

3. Page 4, line 10.
Following: "CHARGE"
Strike: "MAY"
Insert: "shall"

4. Page 4, lines 12 through 18.
Following: "BY"
Strike: remainder of line 12 through "(B)" on line 18
Insert: "using"

5. Page 4, line 20 through line 3 on page 5.

Following: "CYCLE"
Strike: remainder of line 20 through line 3 on page 5
Insert: ". (a) A seller may change the terms of a revolving charge account whether or not the change is authorized by prior agreement. The seller shall give the buyer written notice of any change in the two billing cycles prior to the effective date of the change.

(b) If the retail seller increases his finance charge on a retail charge account agreement, then such increased rate may only be applied to the balance consisting of purchases on other charges incurred on or after the effective date of the increase.

(c) For purposes of determining the balance to which the increased rate applies, all payments may be considered to be applied to the balance existing prior to the change in rate until that balance is paid in full"

6. Page 6, line 11.
Following: line 10
Insert: "Section 3. Merchant finance. A finance operation that finances transactions between merchants, as defined in 30-2-104, is also exempt from usury limits."
Renumber: subsequent sections

7. Page 6, line 11.
Following: "DATE"
Insert: " — Termination"

8. Page 6, line 12.
Following: "APPROVAL"
Insert: "and terminates on July 1, 1983"

And, as so amended, be concurred in. Report adopted.

HB 350, third reading bill, be amended as follows:

1. Page 2, line 3.
Following: "he"
Strike: "may"
Insert: "shall"

2. Page 2, line 4.
Following: "EXAMINATION"
Insert: "if taken within 12 months"

And, as so amended, be concurred in. Report adopted.

HB 286, third reading bill, be amended as follows:

1. Title, line 7.
Following: "ASSOCIATION"
Insert: "AND PROVIDING AN IMMEDIATE EFFECTIVE DATE"

2. Page 2, lines 4 through 6.
Following: "ACCOUNTS"
Strike: remainder of line 4 through "ET SEQ" on line 6
Insert: "acceptable to the department"

3. Page 2, line 11.
Following: line 10
Insert: "Section 3. Effective date. This act is effective on passage and approval."

And, as so amended, be concurred in. Report adopted.

Statement of Intent, HB 286, third reading bill, be amended as follows:

1. Statement of Intent, line 13.
Following: "covered by"
Strike: remainder of line 13
Insert: "insurance on accounts acceptable to the department"

And, as so amended, be concurred in. Report adopted.

HB 396, be concurred in. Report adopted.

JUDICIARY (Anderson, Chairman):
HB 9, third reading bill, be amended as follows:

1. Page 2, lines 13 and 14.
Following: line 12
Insert: "(e) 5 days per month for those inmates participating in self improvement activities designated by the department."

And, as so amended, be concurred in. Report adopted.

HB 20, be concurred in. Report adopted.

HB 405, third reading bill, be amended as follows:

1. Page 5, line 11.
Following: "when"
Insert: "it appears"
Following: "applicant"
Strike: "alleges"
Insert: "has suffered or may suffer"

And, as so amended, be concurred in. Report adopted.

LABOR AND EMPLOYMENT RELATIONS (Nelson, Chairman):
HB 11, third reading bill, be amended as follows:

1. Title, line 11.
Following: "AVERAGED"
Strike: "WORKWEEKS"
Insert: "WORKPERIODS"
Following: "AND"
Strike: "OTHER SITUATIONS"
Insert: "FOR OVER 40 HOUR WORKWEEKS."

2. Page 3, lines 1 through 5.
Following: "on" on line 1
Strike: the remainder of line 1 through "off" on line 5
Insert: "an annual basis on a form and at a time designated by the county or municipal employer"

3. Page 3, lines 11 through 18.
Following: "TIME" on line 11
Strike: the remainder of lines 11 through 18
Insert: "determined by the local governing body of a county or municipality. (1) The local governing body of a county or municipality shall set the maximum number of hours that may be accrued as compensatory time off by a local government employee whether or not the employee is a member of a collective bargaining unit"

4. Page 3, line 22.
Following: "off"
Strike: ", not to exceed 80 hours,"

And, as so amended, be concurred in. Report adopted.

HB 79, be concurred in. Report adopted.
HB 283, be concurred in. Report adopted.

LOCAL GOVERNMENT (McCallum, Chairman):
HB 54, be concurred in. Report adopted.
HB 55, be concurred in. Report adopted.
HB 58, be concurred in. Report adopted.

HB 271, third reading bill, be amended as follows:

1. Page 2, line 22.
Following: "(b)"
Strike: "If an"
Insert: "An"

2. Page 2, line 25.
Following: line 24
Strike: "qualifies for benefits under subsection (1)(b), he"

3. Page 3, line 1.
Following: "age"
Strike: ":"
Insert: "calculated as follows:

(i) for a member with less than 10 years of service, a pension calculated as provided in subsection (1)(b) in which the numerator equals 10; or

(ii) for a member with 10 years or more of service, a pension calculated as provided in subsection (1)(b)."

And, as so amended, be concurred in. Report adopted.

HB 353, be concurred in. Report adopted.

TAXATION (Goodover, Chairman):
SB 280, do not pass.

Thereupon, the Adverse Committee Report was adopted by the following roll call vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Eck, Elliott, Galt, Goodover, Graham, Hafferman, Haffey, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Towe, Tveit, Mr. President.
Total 44

Noes: None.
Total 0

Excused: Dover, Etchart, Thomas, Van Valkenburg.
Total 4

Absent or not voting: Hager, Manning.
Total 2

LABOR AND EMPLOYMENT RELATIONS (Nelson, Chairman):
HB 75, be not concurred in.

Thereupon, the Adverse Committee Report was adopted by the following roll call vote:

Ayes: Aklestad, Anderson, Blaylock, Boylan, B. Brown, Conover, Crippen, Elliott, Galt, Goodover, Graham, Hager, Hammond, Hazelbaker, Himsl, Johnson, Keating, Manley, McCallum, Nelson, Ochsner, O'Hara, Olson, Severson, Smith, Stephens, Story, Tveit, Mr. President.
Total 29

Noes: Berg, Eck, Hafferman, Haffey, Halligan, Healy, Jacobson, Kolstad, Lee, Mazurek, Norman, Regan, Ryan, Stimatz, Towe.
Total 15

Excused: Dover, Etchart, Thomas, Van Valkenburg.
Total 4

Absent or not voting: S. Brown, Manning.
Total 2

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

House Bill No. 3 was concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Eck, Elliott, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Towe, Tveit, Mr. President.
Total 44

Noes: Story.
Total 1

Excused: Dover, Etchart, Thomas, Van Valkenburg.
Total 4

Absent or not voting: Manning.
Total 1

House Bill No. 60 was concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Eck, Elliott, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Towe, Tveit, Mr. President.
Total 45

Noes: None.
Total 0

Excused: Dover, Etchart, Thomas, Van Valkenburg.
Total 4

Absent or not voting: Manning.
Total 1

House Bill No. 140 was concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Eck, Elliott, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson,

Johnson, Keating, Kolstad, Lee, Manley, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Towe, Tveit, Mr. President.
Total 45

Noes: None.
Total 0

Excused: Dover, Etchart, Thomas, Van Valkenburg.
Total 4

Absent or not voting: Manning.
Total 1

House Bill No. 150 was concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Eck, Elliott, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Towe, Tveit, Mr. President.
Total 45

Noes: None.
Total 0

Excused: Dover, Etchart, Thomas, Van Valkenburg.
Total 4

Absent or not voting: Manning.
Total 1

House Bill No. 199 was concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Eck, Elliott, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Towe, Tveit, Mr. President.
Total 45

Noes: None.
Total 0

Excused: Dover, Etchart, Thomas, Van Valkenburg.
Total 4

Absent or not voting: Manning.
Total 1

House Bill No. 254 was concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Elliott, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Severson, Smith, Stephens, Story, Towe, Tveit, Mr. President.
Total 40

Noes: Manley, Mazurek, Ryan, Stimatz.
Total 4

Excused: Dover, Etchart, Thomas, Van Valkenburg.
Total 4

Absent or not voting: Eck, Manning.
Total 2

House Bill No. 274 was concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Elliott, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Severson, Smith, Stephens, Stimatz, Story, Towe, Tveit, Mr. President.
Total 42

Noes: Manley, Ryan.
Total 2

Excused: Dover, Etchart, Thomas, Van Valkenburg.
Total 4

Absent or not voting: Eck, Manning.
Total 2

House Bill No. 315 was concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Elliott, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Manley, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Severson, Smith, Stephens, Stimatz, Towe, Tveit, Mr. President.
Total 40

Noes: Kolstad, Lee, Ryan, Story.
Total 4

Excused: Dover, Etchart, Thomas, Van Valkenburg.
Total 4

Absent or not voting: Eck, Manning.
Total 2

House Bill No. 335 was concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Elliott, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Towe, Tveit, Mr. President.
Total 44

Noes: None.
Total 0

Excused: Dover, Etchart, Thomas, Van Valkenburg.
Total 4

Absent or not voting: Eck, Manning.
Total 2

House Bill No. 387 was concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Elliott, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Towe, Tveit, Mr. President.
Total 44

Noes: None.
Total 0

Excused: Dover, Etchart, Thomas, Van Valkenburg.
Total 4

Absent or not voting: Eck, Manning.
Total 2

At the request of the President, and without objection, the Senate reverted to Order of Business No. 8.

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Norman in the Chair.

Senate resumed. President Turnage in the Chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on Second Reading, recommend as follows:

That House Bill No. 14 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Eck, Elliott, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Towe, Tveit, Mr. President.
Total 46

Noes: None.
Total 0

Excused: Dover, Etchart, Thomas, Van Valkenburg.
Total 4

Absent or not voting: None.
Total 0

That House Bill No. 30 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Eck, Elliott, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Towe, Tveit, Mr. President.
Total 46

Noes: None.
Total 0

Excused: Dover, Etchart, Thomas, Van Valkenburg.
Total 4

Absent or not voting: None.
Total 0

That House Bill No. 91 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Eck, Elliott, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Towe, Tveit, Mr. President.
Total 46

Noes: None.
Total 0

Excused: Dover, Etchart, Thomas, Van Valkenburg.
Total 4

Absent or not voting: None.
Total 0

That House Bill No. 104 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Eck, Elliott, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Towe, Tveit, Mr. President.
Total 46

Noes: None.
Total 0

Excused: Dover, Etchart, Thomas, Van Valkenburg.
Total 4

Absent or not voting: None.
Total 0

Upon motion of Senator Stephens that House Bill No. 141 and House Bill No. 309 pass consideration until Wednesday. Unanimously passed.

That House Bill No. 145 be concurred in. Motion failed by the following vote:

Ayes: Anderson, S. Brown, Graham, Hammond, Severson, Smith, Story.
Total 7

Noes: Aklestad, Berg, B. Brown, Conover, Crippen, Elliott, Galt, Hafferman, Halligan, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Mazurek, McCallum, Nelson, Norman, O'Hara, Regan, Ryan, Stephens, Stimatz, Mr. President.
Total 28

Excused: Dover, Etchart, Thomas, Van Valkenburg.
Total 4

Absent or not voting: Blaylock, Boylan, Eck, Goodover, Haffey, Hager, Manning, Ochsner, Olson, Towe, Tveit.
Total 11

That House Bill No. 145 be indefinitely postponed. Motion carried by the following vote:

Ayes: Aklestad, Anderson, Berg, Boylan, B. Brown, Conover, Crippen, Elliott, Galt, Goodover, Graham, Halligan, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Severson, Smith, Stephens, Stimatz, Towe, Mr. President.
Total 35

Noes: Blaylock, S. Brown, Hammond, Ryan, Story.
Total 5

Excused: Dover, Etchart, Thomas, Van Valkenburg.
Total 4

Absent or not voting: Eck, Hafferman, Haffey, Hager, Manning, Tveit.
Total 6

Upon motion of Senator Hammond that House Bill No. 202 pass consideration. Unanimously passed.

That House Bill No. 256 be concurred in by the following vote:

Ayes: B. Brown, S. Brown, Crippen, Galt, Graham, Hafferman, Hager, Halligan, Hammond, Hazelbaker, Healy, Jacobson, Johnson, Kolstad, Lee, McCallum, O'Hara, Smith, Stephens, Story, Tveit.
Total 21

Noes: Aklestad, Berg, Blaylock, Boylan, Conover, Goodover, Himsl, Keating, Manley, Mazurek, Nelson, Ochsner, Olson, Regan, Ryan, Severson, Stimatz, Towe.
Total 18

Excused: Dover, Etchart, Thomas, Van Valkenburg.
Total 4

Absent or not voting: Anderson, Eck, Elliott, Haffey, Manning, Norman, Mr. President.
Total 7

Upon motion of Senator Brown that House Bill No. 277 pass consideration. Unanimously passed.

That House Bill No. 306 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Eck, Elliott, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Towe, Tveit, Mr. President.
Total 46

Noes: None.
Total 0

Excused: Dover, Etchart, Thomas, Van Valkenburg.
Total 4

Absent or not voting: None.
Total 0

Upon motion of Senator Anderson that House Bill No. 598 pass consideration. Unanimously passed.

That House Joint Resolution No. 6 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Eck, Elliott, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Towe, Tveit, Mr. President.
Total 46

Noes: None.
Total 0

Excused: Dover, Etchart, Thomas, Van Valkenburg.
Total 4

Absent or not voting: None.
Total 0

That the Committee rise and report. (Norman, Chairman)

Senator Towe moved that House Bill No. 256 be segregated from the Committee of the Whole Report and placed on Second Reading the next Legislative Day. Motion carried by the following vote:

Ayes: Aklestad, Berg, Blaylock, Boylan, Conover, Crippen, Goodover, Haffey, Healy, Himsl, Jacobson, Johnson, Manley, Mazurek, McCallum, Norman, Ochsner, Olson, Regan, Severson, Stimatz, Story, Towe.
Total 23

Noes: Anderson, B. Brown, S. Brown, Elliott, Galt, Graham, Hafferman, Hager, Halligan, Hammond, Hazelbaker, Keating, Kolstad, Lee, Nelson, O'Hara, Ryan, Smith, Stephens, Tveit.
Total 20

Excused: Dover, Etchart, Thomas, Van Valkenburg.
Total 4

Absent or not voting: Eck, Manning, Mr. President.
Total 3

Upon motion of Senator Norman, duly carried, the foregoing Report of the Committee of the Whole was adopted.

At the request of Senator McCallum, and without objection, the Senate reverted to Order of Business No. 6.

MOTIONS

Senator McCallum moved that House Bill No. 202 be taken from Second Reading and rereferred back to the Committee on Local Government. Motion carried by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Eck, Elliott, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Towe, Tveit, Mr. President.
Total 46

Noes: None.
Total 0

Excused: Dover, Etchart, Thomas, Van Valkenburg.
Total 4

Absent or not voting: None.
Total 0

Upon motion of Senator Stephens, duly carried, the Senate adjourned at 4:00 p.m. until Tuesday, March 10, at the hour of 3:00 p.m.

JEAN A. TURNAGE
President of the Senate

JOHN W. LARSON
Secretary of the Senate

FIFTY-THIRD LEGISLATIVE DAY

Helena, Montana
March 10, 1981

Senate Chambers
Capitol Building

Senate convened at 3:00 p.m., President Turnage presiding. Invocation by the Chaplain. Pledge of Allegiance to the Flag.

Roll call. All members present except Dover, excused. Quorum present.

Mr. President: We, your Committee on Bills and Journal, having examined the daily journal for the Fifty-second Legislative Day, find the same to be correct.

O'HARA, Chairman

Senator Stephens moved that the Senate recess at the hour of 3:08 p.m. until the hour of 3:45 p.m.

REPORTS OF STANDING COMMITTEES

PRINTING (O'Hara, Chairman):
Correctly printed and placed on the members' desks - SB 221. Report adopted.

TAXATION (Goodover, Chairman):
SB 42, introduced bill, be amended as follows:

1. Title, line 6.
Following: "TO"
Insert: "5/6 OF"

2. Title, line 7.
Following: "MCA"
Insert: "; AND PROVIDING AN APPLICABILITY DATE"

3. Page 1, line 19.
Following: "rate"
Strike: "~~of 2/3~~"
Insert: "of 5/6"

4. Page 1, line 25.
Following: "~~2/3 of~~"
Insert: "5/6 of"

5. Page 3, line 12.
Following: "~~of 2/3~~"
Insert: "of 5/6"

6. Page 4, line 3.
Following: "~~of 2/3~~"
Insert: "of 5/6"

7. Page 6.
Following: line 3
Insert: "Section 4. Applicability. This act applies to taxes assessed and levied after December 31, 1980."

And, as so amended, do pass. Report adopted.

SB 292, introduced bill, be amended as follows:

1. Page 2, line 21.
Following: "county"

Strike: "to acquire a project"
Insert: "to pay the costs of acquiring or improving a project"

2. Page 3, line 5.
Following: "bonds"
Strike: "to acquire a project"
Insert: "to pay the costs of acquiring or improving a project"

3. Page 3, line 11.
Following: "to"
Strike: "acquire a project"
Insert: "pay the costs of acquiring or improving a project"

And, as so amended, do pass. Report adopted.

AGRICULTURE, LIVESTOCK AND IRRIGATION (Galt, Chairman):
HB 107, be concurred in. Report adopted.
HB 107, Statement of Intent be concurred in. Report adopted.
HB 247, be concurred in. Report adopted.
HB 450, be concurred in. Report adopted.

HB 494, third reading bill, be amended as follows:

1. Page 3, line 14.
Following: "~~limitations~~"
Insert: "within the department's staffing and budgeting limitations"

And, as so amended, be concurred in. Report adopted.

FINANCE AND CLAIMS (Himsl, Chairman):
HB 88, third reading bill, be amended as follows:

1. Title, line 7.
Strike: "NO CHARGE"
Insert: "A CHARGE OF $10"

2. Page 1, line 17.
Strike: "FREE OF CHARGE"
Insert: "at a charge of $10"

3. Page 1, lines 18 through 25.
Strike: lines 18 through 25 in their entirety
Renumber: all subsequent subsections

And, as so amended, be concurred in. Report adopted.

LABOR AND EMPLOYMENT RELATIONS (Nelson, Chairman):
HB 750, be concurred in. Report adopted.

STATE ADMINISTRATION (Story, Chairman):
HB 484, introduced bill, be amended as follows:

1. Page 1, line 25.
Following: "election"
Strike: "AND BY A NUMBER OF"
Insert: ", which number must include the"

2. Page 2, line 3.
Following: "IN"
Strike: "THE"
Insert: "those"

And, as so amended, be concurred in. Report adopted.

AGRICULTURE, LIVESTOCK AND IRRIGATION (Galt, Chairman):

HJR 17, be concurred in. Report adopted.

FINANCE AND CLAIMS (Himsl, Chairman):
HB 751, be not concurred in.

Thereupon, the Adverse Committee Report was adopted by the following roll call vote:

Ayes: Aklestad, Anderson, Berg, Boylan, B. Brown, Conover, Crippen, Elliott, Etchart, Galt, Goodover, Graham, Haffey, Hager, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 40

Noes: S. Brown, Eck, Hafferman, Halligan, Hammond, Mazurek, Ryan.
Total 7

Excused: Dover.
Total 1

Absent or not voting: Blaylock, Manning.
Total 2

HB 808, be not concurred in.

Thereupon, the Adverse Committee Report was adopted by the following roll call vote:

Ayes: Aklestad, Berg, Blaylock, B. Brown, S. Brown, Conover, Crippen, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Keating, Kolstad, Lee, Manley, Mazurek, McCallum, Nelson, Ochsner, O'Hara, Olson, Regan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Mr. President.
Total 40

Noes: Anderson, Boylan, Eck, Halligan, Johnson, Norman, Ryan, Van Valkenburg.
Total 8

Excused: Dover.
Total 1

Absent or not voting: Manning.
Total 1

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The House on 3/9/81, requested the return of the following Senate Bill for further consideration:

Senate Bill No. 154, introduced by Kolstad, Galt, Iverson, et al.

MOTIONS

Motion was made by Senator Stephens, duly carried, that House Bill No. 324 be taken from Third Reading and placed on Second Reading for consideration on the next Legislative Day.

Motion was made by Senator Stephens, duly carried, to accede to the House request to return Senate Bill No. 154 from the House to the Sen ate. Motion carried by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Dover.
Total 1

Absent or not voting: Manning.
Total 1

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

House Bill No. 195 was concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Kolstad, Lee, Manley, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 47

Noes: None.
Total 0

Excused: Dover.
Total 1

Absent or not voting: Keating, Manning.
Total 2

House Bill No. 269 was concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Kolstad, Lee, Manley, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 47

Noes: None.
Total 0

Excused: Dover.
Total 1

Absent or not voting: Keating, Manning.
Total 2

House Bill No. 301 was concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 47

Noes: Ryan.
Total 1

Excused: Dover.
Total 1

Absent or not voting: Manning.
Total 1

House Bill No. 342 was concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Dover.
Total 1

Absent or not voting: Manning.
Total 1

House Bill No. 505 was concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, B. Brown, S. Brown, Conover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Hammond, Hazelbaker, Healy, Jacobson, Johnson, Keating, Kolstad, Lee, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Regan, Severson, Smith, Stephens, Story, Thomas, Towe, Van Valkenburg.
Total 38

Noes: Boylan, Crippen, Halligan, Himsl, Manley, Olson, Ryan, Stimatz, Tveit, Mr. President.
Total 10

Excused: Dover.
Total 1

Absent or not voting: Manning.
Total 1

House Bill No. 508 was concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, B. Brown, S. Brown, Conover, Crippen, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Mazurek, McCallum, Nelson Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith

Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 47

Noes: Boylan.
Total 1

Excused: Dover.
Total 1

Absent or not voting: Manning.
Total 1

House Bill No. 509 was concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Eck, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 46

Noes: Elliott, Manley.
Total 2

Excused: Dover.
Total 1

Absent or not voting: Manning.
Total 1

At the request of the President, and without objection, the Senate reverted to Order of Business No. 8.

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Elliott in the Chair.

Senate resumed. President Turnage in the Chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on Second Reading, recommend as follows:

That House Bill No. 277 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Dover.
Total 1

Absent or not voting: None.
Total 0

That House Bill No. 598, without objection, be moved below Senate Bill No. 361.

That House Bill No. 256 be amended. Motion failed by the following vote:

Ayes: Berg, Boylan, Himsl, Johnson, Manley, McCallum, Regan, Ryan, Severson, Stimatz, Story, Towe, Mr. President.
Total 13

Noes: Aklestad, Anderson, Blaylock, B. Brown, S. Brown, Conover, Crippen, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Jacobson, Keating, Kolstad, Lee, Mazurek, Nelson, Ochsner, O'Hara, Olson, Smith, Stephens, Thomas, Tveit, Van Valkenburg.
Total 34

Excused: Dover.
Total 1

Absent or not voting: Manning, Norman.
Total 2

That House Bill No. 256 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, B. Brown, S. Brown, Conover, Crippen, Eck, Elliott, Etchart, Galt, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Jacobson, Johnson, Keating, Kolstad, Lee, Mazurek, McCallum, Nelson, Ochsner, O'Hara, Olson, Ryan, Smith, Stephens, Thomas, Tveit, Van Valkenburg, Mr. President.
Total 38

Noes: Boylan, Goodover, Himsl, Manley, Regan, Severson, Stimatz, Story, Towe.
Total 9

Excused: Dover.
Total 1

Absent or not voting: Manning, Norman.
Total 2

That Senate Bill No. 361 do pass by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Dover.
Total 1

Absent or not voting: None.
Total 0

That House Bill No. 598 be amended as follows:

1. Page 1, line 19.

Following: "of the stay"
Strike: "AND PETITION BY THE STATE,"

Amendment passed by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Dover.
Total 1

Absent or not voting: None.
Total 0

That House Bill No. 598, as amended, be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Dover.
Total 1

Absent or not voting: None.
Total 0

That Senate Joint Resolution No. 25 do pass by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Dover.
Total 1

Absent or not voting: None.
Total 0

That House Bill No. 9 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Dover.
Total 1

Absent or not voting: None.
Total 0

That House Bill No. 11 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Boylan, Crippen, Elliott, Etchart, Goodover, Graham, Hager, Hammond, Hazelbaker, Johnson, Keating, Kolstad, Lee, Manley, Manning, McCallum, Nelson, Ochsner, O'Hara, Severson, Stephens, Story, Tveit.
Total 25

Noes: Berg, Blaylock, B. Brown, S. Brown, Conover, Eck, Hafferman, Haffey, Halligan, Healy, Himsl, Jacobson, Mazurek, Norman, Olson, Regan, Ryan, Stimatz, Thomas, Towe, Van Valkenburg.
Total 21

Excused: Dover.
Total 1

Absent or not voting: Galt, Smith, Mr. President.
Total 3

That House Bill No. 20 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Dover.
Total 1

Absent or not voting: None.
Total 0

That House Bill No. 54 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl,

Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Dover.
Total 1

Absent or not voting: None.
Total 0

That House Bill No. 55 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Dover.
Total 1

Absent or not voting: None.
Total 0

That House Bill No. 58 pass consideration. Unanimously passed.

That House Bill No. 79 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Dover.
Total 1

Absent or not voting: None.
Total 0

That House Bill No. 100, without objection, be moved below House Bill No. 272.

That House Bill No. 238 and House Bill No. 239, without objection, be moved to the bottom of the board.

That House Bill No. 272 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Dover.
Total 1

Absent or not voting: None.
Total 0

That House Bill No. 100 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Dover.
Total 1

Absent or not voting: None.
Total 0

That House Bill No. 404 be concurred in by the following vote:

Ayes: Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Eck, Elliott, Etchart, Graham, Haffey, Hager, Halligan, Hazelbaker, Healy, Himsl, Jacobson, Keating, Kolstad, Manley, Manning, Mazurek, Norman, Ochsner, Regan, Severson, Stephens, Towe, Van Valkenburg.
Total 31

Noes: Aklestad, Goodover, Hafferman, Hammond, Johnson, Lee, McCallum, Nelson, O'Hara, Olson, Ryan, Story, Tveit.
Total 13

Excused: Dover.
Total 1

Absent or not voting: Galt, Smith, Stimatz, Thomas, Mr. President.
Total 5

That House Bill No. 421 be concurred in by the following vote:

Ayes: Berg, B. Brown, S. Brown, Conover, Eck, Elliott, Etchart, Graham, Haffey, Hager, Halligan, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Manning, Mazurek, Ochsner, Olson, Regan, Severson, Stephens, Story, Towe, Van Valkenburg, Mr. President.
Total 28

Noes: Aklestad, Anderson, Boylan, Crippen, Goodover, Hafferman, Hammond, Kolstad, Lee, Manley, Nelson, Norman, O'Hara, Ryan, Tveit.
Total 15

Excused: Dover.
Total 1

Absent or not voting: Blaylock, Galt, McCallum, Smith, Stimatz, Thomas.
Total 6

That House Bill No. 452 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Dover.
Total 1

Absent or not voting: None.
Total 0

That House Bill No. 639, without objection, be moved below House Bill No. 677.

That House Bill No. 677 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Dover.
Total 1

Absent or not voting: None.
Total 0

That House Bill No. 639 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Dover.
Total 1

Absent or not voting: None.
Total 0

That House Bill No. 696 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Dover.
Total 1

Absent or not voting: None.
Total 0

That House Joint Resolution No. 30 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: Story.
Total 1

Excused: Dover.
Total 1

Absent or not voting: None.
Total 0

That House Bill No. 238 pass consideration. Unanimously passed.

That House Bill No. 239 pass consideration. Unanimously passed.

At the request of the President, and without objection, the Senate reverted to Order of Business No. 6.

MOTIONS

Motion was made by Senator Thomas, duly carried, that House Bill No. 58 be taken from Second Reading and rereferred to the Committee on Local Government.

Motion was made by Senator Goodover, duly carried, that House Bill No. 238 be taken from Second Reading and rereferred to the Committee on Business and Industry.

Motion was made by Senator Goodover, duly carried, that House Bill No. 239 be taken from Second Reading and rereferred to the Committee on Business and Industry.

At the request of the President, and without objection, the Senate reverted to Order of Business No. 2.

REPORTS OF STANDING COMMITTEES

BILLS (O'Hara, Chairman):
Correctly enrolled - SB 24, SB 27, SB 28, SB 38, SB 43, SB 63, SB 69, SB 90, SB 143. Report adopted.

I have examined Senate Bill No. 143 introduced by me and find the same to be correct. (Hazelbaker)

I have examined Senate Bill No. 90 introduced by me and find the same to be correct. (Goodover)

I have examined Senate Bill No. 69 introduced by me and find the same to be correct. (Hager)

I have examined Senate Bill No. 63 introduced by me and find the same to be correct. (Mazurek)

I have examined Senate Bill No. 43 introduced by me and find the same to be correct. (S. Brown)

I have examined Senate Bill No. 38 introduced by me and find the same to be correct. (Turnage)

I have examined Senate Bill No. 28 introduced by me and find the same to be correct. (Mazurek)

I have examined Senate Bill No. 27 introduced by me and find the same to be correct. (S. Brown)

I have examined Senate Bill No. 24 introduced by me and find the same to be correct. (Hafferman)

The Senate will please take note that the President did, at the hour of 4:45 p.m., 3/10/81, sign the following bills:
SB 24, SB 27, SB 28, SB 38, SB 43, SB 63, SB 69, SB 90, SB 143, HB 50, HB 153, HB 331, HB 344.

Jean A. Turnage
President

Upon motion of Senator Stephens, duly carried, the Senate adjourned at 6:15 p.m. until Wednesday, March 11, at the hour of 3:00 p.m.

JEAN A. TURNAGE
President of the Senate

JOHN W. LARSON
Secretary of the Senate

FIFTY-FOURTH LEGISLATIVE DAY

Helena, Montana
March 11, 1981

Senate Chambers
Capitol Building

Senate convened at 3:00 p.m., President Pro Tempore Kolstad presiding. Invocation by the Chaplain. Pledge of Allegiance to the Flag.

Roll call. All members present. Quorum present.

Mr. President: We, your Committee on Bills and Journal, having examined the daily journal for the Fifty-third Legislative Day, find the same to be correct.

O'HARA, Chairman

REPORTS OF STANDING COMMITTEES

PRINTING (O'Hara, Chairman):
Correctly printed and placed on the members' desks - SB 292. Report adopted.

BILLS (O'Hara, Chairman):
Signed by the Speaker of the House and President of the Senate, 3/11/81, at the hour of 1:30 p.m., delivered to the Governor for his approval - SB 24, SB 27, SB 28, SB 38, SB 43, SB 63, SB 69, SB 90, SB 143. Report adopted.

Correctly engrossed - SB 361, SJR 25. Report adopted.

MOTIONS

Upon motion of Senator Graham, duly carried, that House Bill No. 265 be taken from the Committee on Bills and Journal and rereferred to the Committee on Agriculture, Livestock and Irrigation.

Upon motion of Senator Goodover, duly carried, that Senate Bill No. 42 be taken from the Committee on Bills and Journal and rereferred to the Committee on Taxation.

At the request of the President Pro Tempore, and without objection, the Senate reverted to Order of Business No. 2.

REPORTS OF STANDING COMMITTEES

TAXATION (Goodover, Chairman):
SB 96, introduced bill, be amended as follows:

1. Page 3.
Following: line 10
Insert: "Section 3. Section 7-12-4227, MCA, is amended to read:

"7-12-4227. Utilization of excess money in revolving fund. Whenever there is an amount deposited in the revolving fund under 7-12-4169(2) and in excess of the amount which the council deems necessary for payment or redemption of maturing bonds or warrants or interest thereon, the council may:

(1) by vote of all of its members at a meeting called for that purpose, order such excess or any part thereof transferred to the general fund of such city or town; or

(2) use such excess or any part thereof for the purchase of property at sales for delinquent taxes or assessments, or both, or property

which may have been struck off or sold to the county for delinquent taxes or assessments, or both, and against which property there then be any unpaid assessment for special improvements on account whereof there are outstanding special improvement district bonds or warrants of the city or town."

NEW SECTION. Section 4. Disposal of funds deposited in revolving fund. Any funds without interest deposited in the revolving fund under 7-12-4169(2) less the amount of any loan to the district fund not repaid shall be used to make the final payment or payments on the district's bonds or warrants. The assessment on the property of the district shall be reduced for the final payment or payments of the bonds or warrants by the amount the revolving fund paid under this section."

2. Title, line 8.
Following: "7-12-4169"
Strike: "AND"
Insert: ","
Following: "7-12-4222,"
Insert: "AND 7-12-4227,"

And, as so amended, do pass. Report adopted.

SB 102, introduced bill, be amended as follows:

1. Page 2, line 10.
Following: line 9
Strike: "dependent children"
Insert: "dependents as defined in 15-30-113."

And, as so amended, do pass. Report adopted.

SB 382, introduced bill, be amended as follows:

1. Title, line 7.
Following: "OBLIGATION BONDS;"
Strike: "CLARIFYING THAT"
Insert: "RESTRICTING THE LEVYING OF A TAX TO PROVIDE FUNDS FOR THE REVOLVING FUND TO INSTANCES WHEN"

2. Title, line 8.
Following: "FUND"
Strike: "MAY"
Insert: "DOES"

3. Title, line 9.
Following: "BONDS;"
Strike: remainder of the text through "WITH A BOND ISSUE" on line 11
Insert: "AND REQUIRING THAT FUNDS IN THE REVOLVING FUND MAY NOT BE TRANSFERRED TO THE GENERAL FUND IF THE BALANCE IN THE REVOLVING FUND IS LESS THAN 5 PERCENT"

4. Title, line 12.
Following: line 11
Strike: "7-12-2185"
Insert: "7-12-2186"
Strike: "7-12-4225"
Insert: "7-12-4227"

5. Page 4, line 13.
Following: "fund"
Strike: remainder of the sentence
Insert: "However, a tax may not be levied if the balance in the revolving fund exceeds 5% of the principal amount of the then outstanding rural special improvement district bonds and warrants. If a tax is levied, the tax may not be an amount that would increase the balance in the revolving fund above 5% of the then outstanding rural special improvement district bonds and warrants."

6. Page 4.
Strike: lines 17 through 19
Renumber: subsequent subsections

7. Page 5.
Strike: Section 3, lines 5 through 25
Insert: "Section 3. Section 7-12-2186, MCA, is amended to read:

"7-12-2186. Utilization of excess money in revolving fund. Whenever there is in the revolving fund an amount in excess of ~~the amount which the board deems~~ 5% of the then outstanding rural special improvement district bonds and warrants and the board considers any part of the excess to be greater than the amount necessary for payment or redemption of maturing bonds or warrants or interest thereon, the board may order ~~such excess~~ the amount the board considers greater than the amount necessary or any part thereof transferred to the general fund of the county.""

8. Page 8, line 21.
Following: "fund"
Strike: remainder of the sentence
Insert: "However, a tax may not be levied if the balance in the revolving fund exceeds 5% of the principal amount of the then outstanding special improvement district bonds and warrants. If a tax is levied, the tax may not be an amount that would increase the balance in the revolving fund above 5% of the then outstanding special improvement district bonds and warrants."

9. Page 8.
Strike: line 25 on page 8 through line 3 on page 9
Renumber: subsequent subsections

10. Page 9, line 15.
Strike: Section 6, lines 15 through 25 on page 9, and lines 1 through 14 on page 10
Insert: "Section 6. Section 7-12-4227, MCA, is amended to read:

"7-12-4227. Utilization of excess money in revolving fund. Whenever there is an amount in the revolving fund in excess of ~~the amount which the council deems~~ 5% of the outstanding special improvement district bonds and warrants and the council considers any part of the excess to be greater than the amount necessary for payment or redemption of maturing bonds or warrants or interest thereon, the council may:

(1) by vote of all of its members at a meeting called for that purpose, order ~~such~~ the amount of the excess that is greater than the amount necessary for the payment or redemption of maturing bonds or warrants or interest thereon or any part thereof transferred to the general fund of such city or town; or

(2) use ~~such~~ the excess that is greater than the amount necessary for the payment or redemption of maturing bonds or warrants or interest thereon or any part thereof for the purchase of property at sales for delinquent taxes or assessments, or both, or property which may have been struck off or sold to the county for delinquent taxes or assessments, or both, and against which property there then be any unpaid assessment for special improvements on account whereof there are outstanding special improvement district bonds or warrants of the city or town.""

And, as so amended, do pass. Report adopted.

SJR 23, introduced bill, be amended as follows:

1. Page 4, line 11.
Following: "fuels;"
Strike: "and"

2. Page 4, line 13.
Following: "and"
Insert: "(10) to educate our children, to build roads, and to pay ordinary costs of government and other legitimate government needs; and"

And, as so amended, do pass. Report adopted.

BUSINESS AND INDUSTRY (Hazelbaker, Chairman):
HB 67, be concurred in. Report adopted.
HB 346, be concurred in. Report adopted.

HB 360, third reading bill, be amended as follows:

1. Title, line 7.
Following: "~~PERMITTEES~~"
Insert: "; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE"

2. Page 6, line 10.
Following: line 9
Insert: "Section 3. Effective date. This act is effective on passage and approval."

And, as so amended, be concurred in. Report adopted.

HB 468, be concurred in. Report adopted.

HIGHWAYS AND TRANSPORTATION (Etchart, Chairman):
HB 681, be concurred in. Report adopted.

LOCAL GOVERNMENT (McCallum, Chairman):
HB 202, third reading bill, be amended as follows:

1. Page 3, line 22 through page 4, line 1.
Following: "including" on line 22
Strike: all language through "business;" on line 1
Insert: ":"
Renumber: subsequent subsections

And, as so amended, be concurred in. Report adopted.

HB 358, be concurred in. Report adopted.

HB 390, third reading bill, be amended as follows:

1. Title, line 5.

Following: line 4
Strike: "PUBLIC"
Insert: "PUBLICLY OWNED"

2. Page 2, line 4.
Following: "Any"
Strike: "public"
Insert: "publicly owned"

And, as so amended, be concurred in. Report adopted.

HB 413, third reading bill, be amended as follows:

1. Page 2, line 9.
Following: "duties"
Strike: "may be"
Insert: "is"

And, as so amended, be concurred in. Report adopted.

STATE ADMINISTRATION (Story, Chairman):
HB 201, be concurred in. Report adopted.
HB 233, be concurred in. Report adopted.

HB 291, third reading copy, be amended as follows:

1. Page 2, line 11.
Following: "department"
Insert: "in rules adopted for that purpose"

And, as so amended, be concurred in. Report adopted.

HB 296, be concurred in. Report adopted.

HB 481, third reading copy, be amended as follows:

1. Page 6, lines 12 and 13.
Following: "funds"
Insert: all stricken material

And, as so amended, be concurred in. Report adopted.

HB 636, be concurred in. Report adopted.
HB 685, be concurred in. Report adopted.

TAXATION (Goodover, Chairman):
SB 457, do not pass.

Thereupon, the Adverse Committee Report was adopted by the following roll call vote:

Ayes: Aklestad, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Eck, Elliott, Goodover, Graham, Hager, Hammond, Hazelbaker, Johnson, Kolstad, Manning, McCallum, Nelson, Ochsner, Olson, Regan, Smith, Stephens, Story, Thomas, Tveit.
Total 27

Noes: Anderson, Crippen, Dover, Etchart, Galt, Hafferman, Haffey, Halligan, Healy, Himsl, Jacobson, Keating, Lee, Mazurek, Norman, O'Hara, Ryan, Severson, Stimatz, Towe, Van Valkenburg.
Total 21

Excused: None.
Total 0

Absent or not voting: Manley, Mr. President.

Total 2

STATE ADMINISTRATION (Story, Chairman):
HB 231, be not concurred in.

Thereupon, the Adverse Committee Report was adopted by the following roll call vote:

Ayes: Aklestad, Anderson, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Severson, Smith, Stephens, Stimatz, Story, Thomas, Tveit.
Total 40

Noes: Berg, Blaylock, Eck, Halligan, Regan, Ryan, Towe.
Total 7

Excused: None.
Total 0

Absent or not voting: Manley, Van Valkenburg, Mr. President.
Total 3

HB 470, be not concurred in.

Thereupon, the Adverse Committee Report was adopted by the following roll call vote:

Ayes: Aklestad, Anderson, Boylan, B. Brown, Conover, Crippen, Dover, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Hammond, Hazelbaker, Healy, Himsl, Johnson, Keating, Kolstad, Lee, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Tveit, Mr. President.
Total 38

Noes: Berg, Blaylock, S. Brown, Eck, Halligan, Jacobson, Manning, Mazurek, Regan, Towe, Van Valkenburg.
Total 11

Excused: None.
Total 0

Absent or not voting: Manley.
Total 1

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following Senate Bills were on 3/10/81, concurred in and returned to the Senate:

Senate Bill No. 11, introduced by Galt (93-3)

Senate Bill No. 39, introduced by Goodover (95-1)

Senate Bill No. 46, introduced by S. Brown (88-9)

Senate Bill No. 75, introduced by S. Brown (94-3)

Senate Bill No. 94, introduced by Boylan (96-1)

Senate Bill No. 111, introduced by Stimatz (85-12)

Senate Bill No. 158, introduced by Graham (96-1)

Senate Bill No. 165, introduced by E. Smith (97-0)

Senate Bill No. 166, introduced by E. Smith (97-0)

Senate Bill No. 262, introduced by Van Valkenburg (88-9)

The following Senate Bill was on 3/10/81, concurred in on Third Reading Consent Calendar and returned to the Senate:

Senate Bill No. 307, introduced by Himsl (92-2)

The following Senate Bills were on 3/10/81, concurred in as amended, and returned to the Senate for concurrence in House Amendments:

Senate Bill No. 29, introduced by Hager (85-11)

Senate Bill No. 36, introduced by Goodover (97-0)

Senate Bill No. 103, introduced by Smith (92-5)

Senate Bill No. 459, introduced by Smith (96-1)

The following House Bill was on 3/10/81, passed and transmitted to the Senate for concurrence:

House Bill No. 804, introduced by Williams (94-3)

MOTIONS

Senator Norman moved that the Senate reconsider its action taken on the adoption of the Adverse Committee Report on House Bill No. 808 and that it be placed on Second Reading. Motion failed by the following vote:

Ayes: Anderson, Berg, S. Brown, Conover, Dover, Eck, Elliott, Haffey, Halligan, Hammond, Healy, Johnson, Lee, Manning, Mazurek, McCallum, Norman, O'Hara, Ryan, Van Valkenburg, Mr. President.
Total 21

Noes: Aklestad, Blaylock, Boylan, B. Brown, Crippen, Etchart, Galt, Goodover, Graham, Hafferman, Hager, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Manley, Nelson, Ochsner, Olson, Regan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit.
Total 29

Excused: None.
Total 0

Absent or not voting: None.
Total 0

FIRST READING OF BILLS

The following House bill was introduced, read first time and referred to committee:

HB 804, introduced by Williams, Switzer, Vinger, Roth, Asay, Underdal, Neuman, Devlin, Zabrocki, (By Request of the House Taxation Committee). Referred to Committee on Taxation.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

House Bill No. 14 was concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy

Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Severson, Smith, Stephens, Stimatz, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 46

Noes: Crippen, Himsl, Ryan, Story.
Total 4

Excused: None.
Total 0

Absent or not voting: None.
Total 0

House Bill No. 30 was concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Norman, Ochsner, O'Hara, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 45

Noes: Crippen, Dover, Himsl, Nelson, Olson.
Total 5

Excused: None.
Total 0

Absent or not voting: None.
Total 0

House Bill No. 104 was concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: Regan.
Total 1

Excused: None.
Total 0

Absent or not voting: Mazurek.
Total 1

House Bill No. 306 was concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

House Joint Resolution No. 6 was concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: McCallum.
Total 1

At the request of the President Pro Tempore, and without objection, the Senate reverted to Order of Business No. 8.

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Berg in the Chair.

Senate resumed. President Pro Tempore Kolstad in the Chair.

Mr. President Pro Tempore: We, your Committee of the Whole, having had under consideration business on Second Reading, recommend as follows:

That Senate Bill No. 221 do pass by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

That House Bill No. 16 be concurred in by the following vote:

Ayes: Berg, Blaylock, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Etchart, Galt, Graham, Hafferman, Haffey, Hager, Halligan, Himsl, Johnson, Manning, McCallum, Norman, O'Hara, Regan, Ryan, Story, Thomas, Towe, Van Valkenburg, Mr. President.
Total 28

Noes: Aklestad, Boylan, Elliott, Goodover, Hazelbaker, Jacobson, Keating, Manley, Mazurek, Nelson, Ochsner, Olson, Smith, Stephens, Stimatz, Tveit.
Total 16

Excused: None.
Total 0

Absent or not voting: Anderson, Hammond, Healy, Kolstad, Lee, Severson.
Total 6

That House Bill No. 107 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: Elliott, Manley.
Total 2

Excused: None.
Total 0

Absent or not voting: None.
Total 0

That House Bill No. 141 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

That House Bill No. 247 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek,

McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

That House Bill No. 271 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

That House Bill No. 283 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: Mazurek.
Total 1

Excused: None.
Total 0

Absent or not voting: None.
Total 0

That House Bill No. 286 Statement of Intent be amended as follows:

1. Statement of Intent, line 12.
Following: "association that"
Strike: "is"
Insert: "does"

2. Statement of Intent, line 13.
Following: line 12
Strike: "covered by Federal Savings and Loan Insurance"

Insert: "obtain and maintain insurance of accounts acceptable to the Department of Business Regulation"

Amendments passed by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

That House Bill No. 286 with amended Statement of Intent, be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

That House Bill No. 309 pass consideration. Unanimously passed.

That House Bill No. 324 be amended as follows:

1. Title, lines 8 and 9.
Following: "LIVESTOCK"
Strike: "REGARDLESS OF THE SIZE OF THE IMPOUNDMENT"

Amendment passed by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

That House Bill No. 324, as amended, be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

That House Bill No. 350 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Senator Berg relinquished the Chair.

Senator Halligan assumed the Chair.

That House Bill No. 353 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

That House Bill No. 396 pass consideration. Unanimously passed.

Senator Halligan relinquished the Chair.

Senator Berg assumed the Chair.

That House Bill No. 405 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

That House Bill No. 450 be concurred in by the following vote:

Ayes: Aklestad, Berg, Blaylock, Boylan, S. Brown, Dover, Etchart, Galt, Goodover, Graham, Hafferman, Halligan, Healy, Himsl, Johnson, Keating, Kolstad, Lee, Manning, Mazurek, McCallum, Nelson, Ochsner, Olson, Stephens, Story.
Total 26

Noes: Conover, Crippen, Eck, Elliott, Hager, Hammond, Hazelbaker, Jacobson, Manley, O'Hara, Regan, Ryan, Smith, Stimatz, Towe, Tveit, Van Valkenburg.
Total 17

Excused: None.
Total 0

Absent or not voting: Anderson, B. Brown, Haffey, Norman, Severson, Thomas, Mr. President.
Total 7

That House Bill No. 494 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.

Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

That House Bill No. 750 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

That the Committee rise and report. (Berg, Chairman)

Upon motion of Senator Smith, duly carried, that House Bill No. 16 be segregated from the Committee of the Whole Report.

Upon motion of Senator Berg, duly carried, the foregoing Report of the Committee of the Whole was adopted.

At the request of the President Pro Tempore, and without objection, the Senate reverted to Order of Business No. 2.

REPORTS OF STANDING COMMITTEES

The Senate will please take note that the President did, at the hour of 3:10 p.m., 3/11/81, sign the following bill:
SB 91.

Jean A. Turnage
President

The Senate will please take note that the President did, at the hour of 5:06 p.m., 3/11/81, sign the following bill:
HB 60.

Jean A. Turnage
President

I have examined Senate Bill No. 91 introduced by me and find the same to be correct. (Goodover)

BILLS (O'Hara, Chairman):
Correctly enrolled - SB 91. Report adopted.

Upon motion of Senator Stephens, duly carried, the Senate adjourned at 5:13 p.m. until Thursday, March 12, at the hour of 3:00 p.m.

ALLEN C. KOLSTAD
President Pro Tempore of the Senate

JOHN W. LARSON
Secretary of the Senate

FIFTY-FIFTH LEGISLATIVE DAY

Helena, Montana
March 12, 1981

Senate Chambers
Capitol Building

Senate convened at 3:00 p.m., President Turnage presiding. Invocation by the Chaplain. Pledge of Allegiance to the Flag.

Roll call. All members present. Quorum present.

Mr. President: We, your Committee on Bills and Journal, having examined the daily journal for the Fifty-fourth Legislative Day, find the same to be correct.

O'HARA, Chairman

REPORTS OF STANDING COMMITTEES

BILLS (O'Hara, Chairman):
Correctly engrossed - SB 221. Report adopted.

PRINTING (O'Hara, Chairman):
Correctly printed and placed on the members' desks - SB 96, SB 102, SB 382, SJR 23. Report adopted.

TAXATION (Goodover, Chairman):
SB 42, introduced bill, be amended as follows:

1. Title, line 6.
Following: "TO"
Insert: "5/6 OF"

2. Title, line 7.
Following: "MCA"
Insert: "; AND PROVIDING AN APPLICABILITY DATE"

3. Page 1, line 19.
Following: "of"
Insert: "5/6 of"

4. Page 1, line 25.
Following: "of"
Insert: "5/6 of"

5. Page 3, line 12.
Following: "of"
Insert: "5/6 of"

6. Page 3, line 17.
Following: "of"
Insert: "5/6 of"

7. Page 4, line 3.
Following: "of"
Insert: "5/6 of"

8. Page 6.
Following: line 3
Insert: "Section 4. Applicability. This act applies to taxes assessed and levied after December 31, 1980."

And, as so amended, do pass. Report adopted.

EDUCATION AND CULTURAL RESOURCES (B. Brown, Chairman):

HB 466, be concurred in. Report adopted.
HB 732, be concurred in. Report adopted.

HIGHWAYS AND TRANSPORTATION (Etchart, Chairman):
HB 502, third reading copy, be amended as follows:

1. Page 1, line 15.
Following: "VEHICLES"
Insert: "—use—identification card"

2. Page 1, line 17.
Following: "~~department,~~"
Insert: ", when authorized by the chief of their respective department,"

And, as so amended, be concurred in. Report adopted.

PUBLIC HEALTH, WELFARE AND SAFETY (Hager, Chairman):
HB 7, third reading copy, be amended as follows:

1. Page 1, line 20.
Following: "firm,"
Insert: "state institution,"

2. Page 3, lines 4 through 7.
Strike: "NOTHING IN THIS ACT SHALL BE CONSTRUED TO AUTHORIZE A PHYSICIAN'S ASSISTANT TO PERFORM THOSE FUNCTIONS AND DUTIES SPECIFICALLY DELEGATED BY LAW TO A PERSON LICENSED AS AN OPTOMETRIST AS DEFINED UNDER TITLE 37, CHAPTER 10."

3. Page 4, line 5.
Following: "(2)"
Strike: "Each"
Insert: "Except as provided in subsection (3), each"

4. Page 4.
Following: line 20
Insert: "(3) In lieu of the requirements of subsection (2)(b), (2)(c), and (2)(d) the physician's assistant may be a graduate of an approved medical school as defined in 37-3-102 and pass an examination approved by the board."

5. Page 9, line 10.
Following: "licenses and"
Insert: ", with the exception of those licensees who hold a medical degree,"

6. Page 10, lines 1 through 3.
Following: "8."
Strike: remainder of lines 1 through 3
Insert: "Insurance requirement. No physician's assistant may perform any service unless he has insurance from liability for his errors, omissions, or actions to the limits required by the hospital's governing authority"

7. Page 10, lines 6 and 7.
Following: "9"
Strike: "AND SHALL"
Insert: "that"

8. Page 10, line 16.
Following: "(4)"

Strike: "ADOPT RULES ADDRESSING"
Insert: "address"

9. Page 10.
Following: line 18
Insert: "Section 10. Limitations on authority conferred — exception. Except as provided in 37-10-102, nothing in this act may be construed to authorize a physician's assistant to perform those functions and duties specifically delegated by law to persons licensed as optometrists as defined under Title 37, chapter 10."
Renumber: subsequent section

And, as so amended, be concurred in. Report adopted.

HB 7, Statement of Intent be concurred in. Report adopted.

STATE ADMINISTRATION (Story, Chairman):
HB 225, third reading copy, be amended as follows:

1. Page 2, line 9.
Following: "a bill"
Insert: "approved by two-thirds of the members present"

And, as so amended, be concurred in. Report adopted.

HB 545, third reading copy, be amended as follows:

1. Title, line 6.
Following: "~~RIGHT~~"
Insert: "AND HIS FAMILY THE RIGHT"

2. Title, line 7.
Following: "ACTIVITY"
Insert: "AND TO ALLOW MEMBERS OF HIS FAMILY TO HOLD PUBLIC OFFICE"

3. Page 2, line 1.
Following: "~~(4)~~"
Insert: "(2)" and all remaining stricken language in lines 1 through 4

4. Page 2.
Following: line 4
Insert: "(3) An officer or member of the police department may participate in political activity provided he does not do so while on duty or in uniform or that it does not otherwise interfere with the performance of his duties."

And, as so amended, be concurred in. Report adopted.

TAXATION (Goodover, Chairman):
HB 351, be concurred in. Report adopted.
HB 407, be concurred in. Report adopted.

AGRICULTURE, LIVESTOCK AND IRRIGATION (Galt, Chairman):
HJR 16, be concurred in. Report adopted.

PUBLIC HEALTH, WELFARE AND SAFETY (Hager, Chairman):
HB 531, be not concurred in.

Thereupon, the Adverse Committee Report was adopted by the following roll call vote:

Ayes: Aklestad, Anderson, Boylan, Conover, Crippen, Dover, Elliott Etchart, Galt, Goodover, Graham, Hafferman, Hager, Halligan, Hammond

Hazelbaker, Healy, Jacobson, Johnson, Keating, Kolstad, Manning, McCallum, Nelson, Ochsner, Olson, Severson, Stephens, Story, Thomas, Tveit, Mr. President.
Total 32

Noes: Berg, Blaylock, B. Brown, S. Brown, Eck, Haffey, Himsl, Lee, Manley, Mazurek, Norman, O'Hara, Regan, Ryan, Stimatz, Towe, Van Valkenburg.
Total 17

Excused: None.
Total 0

Absent or not voting: Smith.
Total 1

MESSAGES FROM THE GOVERNOR

March 11, 1981

The Honorable Jean A. Turnage
President of the Montana Senate
State Capitol
Helena, Montana 59620

Dear Mr. President:

This is to inform you that I have signed the following measures this date:

Senate Bill Nos. 59, 62, 79, 132, 136, 169, 185, 186, 296, 304, 346.

Sincerely,

TED SCHWINDEN
Governor

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following Senate Joint Resolution was on 3/11/81, not concurred in on Committee Report, and returned to the Senate:

Senate Joint Resolution No. 12, introduced by B. Brown

The following Senate Bills were on 3/11/81, concurred in as amended, and returned to the Senate for concurrence in House Amendments:

Senate Bill No. 85, introduced by Dover (91-4)

Senate Bill No. 117, introduced by Dover (90-4)

The following Senate Bills were on 3/11/81, not concurred in on Committee Report, and returned to the Senate:

Senate Bill No. 89, introduced by Manley

Senate Bill No. 135, introduced by Regan

Senate Bill No. 149, introduced by Van Valkenburg

Senate Bill No. 174, introduced by Hager

Senate Bill No. 413, introduced by Severson

The following Senate Bills were on 3/11/81, concurred in and returned to the Senate:

Senate Bill No. 35, introduced by S. Brown (87-7)

Senate Bill No. 60, introduced by Elliott (90-3)

Senate Bill No. 66, introduced by Hazelbaker (94-0)

Senate Bill No. 73, introduced by McCallum (95-0)

Senate Bill No. 106, introduced by Himsl (88-5)

Senate Bill No. 218, introduced by S. Brown (95-0)

Senate Bill No. 233, introduced by Hafferman (90-0)

Senate Bill No. 338, introduced by Keating (75-19)

Senate Bill No. 365, introduced by Hazelbaker (95-0)

Senate Bill No. 393, introduced by S. Brown (95-0)

Senate Bill No. 395, introduced by S. Brown (91-4)

The following House Bills were on 3/11/81, passed and transmitted to the Senate for concurrence:

House Bill No. 833, introduced by Moore (81-4)

House Bill No. 548, introduced by Sivertsen (74-20)

House Bill No. 653, introduced by Nordtvedt (86-7)

MOTIONS

Senator Eck moved that the Senate reconsider its action taken on adopting the Adverse Committee Report on House Bill No. 231 and that it be printed and placed on Second Reading. Motion failed by the following vote:

Ayes: Berg, Blaylock, Boylan, S. Brown, Conover, Crippen, Eck, Haffey, Halligan, Jacobson, Johnson, Lee, Manning, Mazurek, Norman, Regan, Ryan, Stimatz, Thomas, Towe, Van Valkenburg.
Total 21

Noes: Aklestad, Anderson, B. Brown, Dover, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Hager, Hammond, Hazelbaker, Healy, Himsl, Keating, Kolstad, Manley, McCallum, Nelson, Ochsner, O'Hara, Olson, Severson, Smith, Stephens, Story, Tveit, Mr. President.
Total 29

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Senator Dover moved that the Senate reconsider its action taken on adopting the Adverse Committee Report on Senate Bill No. 457 and that it be printed and placed on Second Reading. Motion carried by the following vote:

Ayes: Anderson, Boylan, S. Brown, Crippen, Dover, Etchart, Galt, Hafferman, Haffey, Halligan, Hammond, Healy, Himsl, Jacobson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, Norman, O'Hara, Ryan, Severson, Stephens, Stimatz, Story, Thomas, Towe, Van Valkenburg.
Total 30

Noes: Aklestad, Berg, Blaylock, B. Brown, Conover, Eck, Elliott, Goodover, Graham, Hager, Hazelbaker, Johnson, McCallum, Nelson, Ochsner, Olson, Regan, Smith, Tveit, Mr. President.
Total 20

Excused: None.
Total 0

Absent or not voting: None.
Total 0

FIRST READING OF BILLS

The following House bills were introduced, read first time and referred to committees:

HB 548, introduced by Sivertsen, Schultz, Huennekens, Kolstad, Roush, Burnett, Manuel. Referred to Committee on Taxation.
HB 653, introduced by Nordtvedt, Sales, Sivertsen, Burnett, Curtiss, Lee. Referred to Committee on Finance and Claims.
HB 833, introduced by Moore. Referred to Committee on Finance and Claims.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

Senate Bill No. 361 was passed by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg.
Total 48

Noes: Elliott, Mr. President.
Total 2

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Senate Joint Resolution No. 25 was passed by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

House Bill No. 9 was concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: Ryan.
Total 1

Excused: None.
Total 0

Absent or not voting: None.
Total 0

House Bill No. 11 was not concurred in by the following vote:

Ayes: Aklestad, Elliott, Etchart, Galt, Goodover, Hager, Hammond, Keating, Kolstad, Lee, Manley, Manning, Nelson, Severson, Smith, Story.
Total 16

Noes: Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Graham, Hafferman, Haffey, Halligan, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Mazurek, McCallum, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Stephens, Stimatz, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 34

Excused: None.
Total 0

Absent or not voting: None.
Total 0

House Bill No. 20 was concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

At the request of Senator Brown, and without objection, the Senat- reverted to Order of Business No. 6.

MOTIONS

Senator B. Brown moved that his vote be changed from "aye" to "no" on House Bill No. 11. Motion carried by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

House Bill No. 54 was concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

House Bill No. 55 was concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

House Bill No. 79 was concurred in by the following vote:

Ayes: Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 46

Noes: Aklestad, Galt, Lee, Manley.
Total 4

Excused: None.
Total 0

Absent or not voting: None.
Total 0

House Bill No. 91 was concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

House Bill No. 100 was concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

House Bill No. 256 was concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, Nelson, Norman, O'Hara, Olson, Ryan, Smith, Stephens, Thomas, Tveit, Van Valkenburg, Mr. President.
Total 41

Noes: Dover, Himsl, McCallum, Ochsner, Regan, Severson, Stimatz, Story, Towe.
Total 9

Excused: None.
Total 0

Absent or not voting: None.
Total 0

House Bill No. 272 was concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

House Bill No. 277 was concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

House Bill No. 404 was concurred in by the following vote:

Ayes: Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Eck, Elliott, Hafferman, Haffey, Hager, Halligan, Hazelbaker, Healy, Himsl, Jacobson, Keating, Kolstad, Lee, Manley, Manning,

Mazurek, McCallum, Norman, Regan, Severson, Stephens, Stimatz, Thomas, Towe, Van Valkenburg, Mr. President.
Total 34

Noes: Aklestad, Dover, Etchart, Galt, Goodover, Graham, Hammond, Johnson, Nelson, Ochsner, O'Hara, Olson, Ryan, Smith, Story, Tveit.
Total 16

Excused: None.
Total 0

Absent or not voting: None.
Total 0

House Bill No. 421 was concurred in by the following vote:

Ayes: Anderson, Berg, Blaylock, B. Brown, S. Brown, Conover, Eck, Etchart, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Keating, Manning, Mazurek, Norman, Ochsner, O'Hara, Regan, Ryan, Severson, Stephens, Stimatz, Story, Thomas, Towe, Van Valkenburg, Mr. President.
Total 32

Noes: Aklestad, Boylan, Crippen, Dover, Elliott, Galt, Goodover, Graham, Jacobson, Johnson, Kolstad, Lee, Manley, McCallum, Nelson, Olson, Smith, Tveit.
Total 18

Excused: None.
Total 0

Absent or not voting: None.
Total 0

House Bill No. 452 was concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

House Bill No. 598 was concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

House Bill No. 639 was concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

House Bill No. 677 was concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

House Bill No. 696 was concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: None.

Total 0

Absent or not voting: Ryan.
Total 1

House Joint Resolution No. 30 was concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 47

Noes: Manley, Story.
Total 2

Excused: None.
Total 0

Absent or not voting: Dover.
Total 1

At the request of the President, and without objection, the Senate reverted to Order of Business No. 8.

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Lee in the Chair.

Senate resumed. President Turnage in the Chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on Second Reading, recommend as follows:

That House Bill No. 309 pass consideration. Unanimously passed.

That House Bill No. 396 pass consideration. Unanimously passed.

That House Bill No. 16 be concurred in by the following vote:

Ayes: Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Galt, Graham, Hafferman, Haffey, Hager, Hammond, Healy, Jacobson, Johnson, Kolstad, Lee, Manning, McCallum, Norman, O'Hara, Olson, Regan, Ryan, Smith, Thomas, Towe, Van Valkenburg, Mr. President.
Total 32

Noes: Aklestad, Elliott, Goodover, Hazelbaker, Himsl, Keating, Manley, Mazurek, Nelson, Ochsner, Severson, Stephens, Story, Tveit.
Total 14

Excused: None.
Total 0

Absent or not voting: Anderson, Etchart, Halligan, Stimatz.
Total 4

That Senate Bill No. 292 do pass by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl,

Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

That House Bill No. 67 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

That House Bill No. 88 be concurred in by the following vote:

Ayes: Anderson, Berg, Blaylock, Boylan, B. Brown, Conover, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Mr. President.
Total 45

Noes: Aklestad, S. Brown, Crippen, Manley.
Total 4

Excused: None.
Total 0

Absent or not voting: Van Valkenburg.
Total 1

That House Bill No. 296 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Kolstad, Lee, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 47

Noes: Galt, Keating, Manley.
Total 3

Excused: None.
Total 0

Absent or not voting: None.
Total 0

That House Bill No. 346 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

That House Bill No. 358 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

That House Bill No. 360 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.

Total 0

Absent or not voting: None.
Total 0

That House Bill No. 413 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

That House Bill No. 468 be concurred in by the following vote:

Ayes: Anderson, Berg, Blaylock, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Goodover, Hafferman, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Keating, Kolstad, Lee, Manning, Mazurek, Nelson, Norman, O'Hara, Olson, Regan, Stephens, Story, Thomas, Towe, Van Valkenburg, Mr. President.
Total 34

Noes: Aklestad, Graham, Johnson, Manley, McCallum, Ochsner, Ryan, Smith, Tveit.
Total 9

Excused: None.
Total 0

Absent or not voting: Boylan, B. Brown, Etchart, Galt, Haffey, Severson, Stimatz.
Total 7

That House Bill No. 484 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Senator Lee relinquished the Chair.

Senator Kolstad assumed the Chair.

That House Bill No. 524 be amended as follows:

1. Title, lines 5 and 6.
Following: "PROVISIONS" on line 5
Strike: "AND THE SEED DEALER LICENSING PROVISIONS"

Amendment passed by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

That House Bill No. 524, as amended, be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: S. Brown.
Total 1

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Senator Kolstad relinquished the Chair.

Senator Lee assumed the Chair.

That House Bill No. 636 be concurred in. Motion failed by the following vote:

Ayes: Boylan, B. Brown, Crippen, Dover, Hafferman, Haffey, Hager, Hammond, Healy, Keating, Kolstad, Lee, Manning, McCallum, O'Hara, Ryan, Severson, Smith, Story, Thomas, Tveit.
Total 21

Noes: Aklestad, Berg, Blaylock, S. Brown, Conover, Eck, Elliott, Goodover, Graham, Halligan, Hazelbaker, Himsl, Jacobson, Johnson

Manley, Mazurek, Nelson, Ochsner, Olson, Regan, Stephens, Towe, Van Valkenburg, Mr. President.
Total 24

Excused: None.
Total 0

Absent or not voting: Anderson, Etchart, Galt, Norman, Stimatz.
Total 5

That House Bill No. 636 be indefinitely postponed. Motion carried by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, S. Brown, Conover, Eck, Elliott, Galt, Goodover, Graham, Haffey, Halligan, Hazelbaker, Himsl, Jacobson, Johnson, Manley, Mazurek, McCallum, Nelson, Ochsner, Olson, Regan, Severson, Stephens, Towe, Van Valkenburg, Mr. President.
Total 29

Noes: Boylan, B. Brown, Crippen, Dover, Hager, Hammond, Healy, Keating, Kolstad, Lee, Manning, Ryan, Smith, Story, Tveit.
Total 15

Excused: None.
Total 0

Absent or not voting: Etchart, Hafferman, Norman, O'Hara, Stimatz, Thomas.
Total 6

That House Bill No. 681 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Dover, Eck, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manning, Mazurek, Nelson, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Stephens, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 41

Noes: Crippen, Manley, Norman.
Total 3

Excused: None.
Total 0

Absent or not voting: Elliott, Etchart, Hazelbaker, McCallum, Smith, Stimatz.
Total 6

That House Bill No. 685 be concurred in. Motion failed by the following vote:

Ayes: Anderson, Berg, Crippen, Dover, Galt, Graham, Hafferman, Haffey, Hager, Hammond, Hazelbaker, Healy, Kolstad, Manning, Mazurek, Norman, Ryan, Story, Thomas, Van Valkenburg, Mr. President.
Total 21

Noes: Aklestad, Blaylock, Boylan, B. Brown, S. Brown, Conover, Eck, Goodover, Halligan, Himsl, Keating, Lee, McCallum, Nelson, Ochsner, O'Hara, Olson, Regan, Severson, Smith, Stephens, Towe, Tveit.
Total 23

Excused: None.

Total 0

Absent or not voting: Elliott, Etchart, Jacobson, Johnson, Manley, Stimatz.
Total 6

That House Joint Resolution No. 17 pass consideration. Unanimously passed.

That the Committee rise and report. (Lee, Chairman)

Upon motion of Senator Lee, duly carried, the foregoing Report of the Committee of the Whole was adopted.

MOTIONS

Motion was made by Senator Crippen that House Bill No. 396 be taken from Second Reading and rereferred to the Committee on Judiciary. Unanimously passed.

Motion was made by Senator Goodover that House Bill No. 309 be taken from Second Reading and rereferred to the Committee on Taxation. Unanimously passed.

At the request of the President, and without objection, the Senate reverted to Order of Business No. 2.

REPORTS OF STANDING COMMITTEES

BILLS (O'Hara, Chairman):
Correctly enrolled - SB 11, SB 39, SB 46, SB 75, SB 158, SB 166, SB 307. Report adopted.

The Senate will please take note that the President did, at the hour of 5:30 p.m., 3/12/81, sign the following bills:
SB 11, SB 39, SB 46, SB 75, SB 158, SB 166, SB 307.

Jean A. Turnage
President

I have examined Senate Bill No. 11 introduced by me and find the same to be correct. (Galt)

I have examined Senate Bill No. 39 introduced by me and find the same to be correct. (Goodover)

I have examined Senate Bill No. 46 introduced by me and find the same to be correct. (B. Brown)

I have examined Senate Bill No. 75 introduced by me and find the same to be correct. (S. Brown)

I have examined Senate Bill No. 158 introduced by me and find the same to be correct. (Graham)

I have examined Senate Bill No. 166 introduced by me and find the same to be correct. (E. Smith)

I have examined Senate Bill No. 307 introduced by me and find the same to be correct. (Himsl)

Upon motion of Senator Stephens, duly carried, the Senate adjourned at 6:32 p.m. until Friday, March 13, at the hour of 3:00 p.m.

JEAN A. TURNAGE
President of the Senate

JOHN W. LARSON
Secretary of the Senate

FIFTY-SIXTH LEGISLATIVE DAY

Helena, Montana
March 13, 1981

Senate Chambers
Capitol Building

Senate convened at 3:00 p.m., President Pro Tempore Kolstad presiding. Invocation by the Chaplain. Pledge of Allegiance to the Flag.

Roll call. All members present except Johnson, excused. Quorum present.

Mr. President: We, your Committee on Bills and Journal, having examined the daily journal for the Fifty-fifth Legislative Day, find the same to be correct.

O'HARA, Chairman

REPORTS OF STANDING COMMITTEES

PRINTING (O'Hara, Chairman):
Correctly printed and placed on the members' desks - SB 457. Report adopted.

BILLS (O'Hara, Chairman):
Correctly engrossed - SB 292. Report adopted.

Signed by the Speaker of the House and President of the Senate, 3/13/81, at the hour of 2:00 p.m., delivered to the Governor for his approval - SB 11, SB 39, SB 46, SB 75, SB 158, SB 166, SB 307. Report adopted.

Signed by the Speaker of the House and President of the Senate, 3/13/81, at the hour of 11:10 a.m., delivered to the Governor for his approval-SB 91. Report adopted.

BUSINESS AND INDUSTRY (Hazelbaker, Chairman):
HB 285, be concurred in. Report adopted.
HB 495, be concurred in. Report adopted.

FINANCE AND CLAIMS (Himsl, Chairman):
HB 610, third reading copy, be amended as follows:

1. Title, line 13.
Following: "SCHOOLS"
Strike: ";"
Insert: "AND"

2. Title, lines 14 and 15.
Following: ";" on line 14
Strike: remainder of line 14 through ";" on line 15

3. Page 1, line 23.
Following: line 22
Strike: "$16,608"
Insert: "$15,578"

4. Page 1, line 25.
Following: "~~$12,002~~"
Strike: "$16,608"
Insert: "$15,578"

5. Page 2, line 1.
Following: page 1, line 25

Strike: "$694.10"
Insert: "$651"

6. Page 2, line 4.
Following: "~~$16,516~~"
Strike: "$22,855"
Insert: "$21,438"

7. Page 2, line 5.
Following: "~~$501.60~~"
Strike: "$694.10"
Insert: "$651"

8. Page 2, line 8.
Following: "~~$26,665~~"
Strike: "$36,490"
Insert: "$34,227"

9. Page 2, line 9.
Following: "~~$314.10~~"
Strike: "$434.70"
Insert: "$407.70"

10. Page 2, line 16.
Following: line 15
Strike: "$1,613"
Insert: "$1,513"
Following: "~~$1.13~~"
Strike: "$1.57"
Insert: "$1.47"

11. Page 2, line 20.
Following: "~~$1,097~~"
Strike: "$1,519"
Insert: "$1,424"

12. Page 2, line 21.
Following: "~~$1.03~~"
Strike: "$1.43"
Insert: "$1.34"

13. Page 2, line 24.
Following: "~~$898.60~~"
Strike: "$1,232"
Insert: "$1,156"

14. Page 3, line 10.
Following: "~~68,373~~"
Strike: "$94,619"
Insert: "$88,753"

15. Page 3, line 12.
Following: "~~$2,349~~"
Strike: "$3,942"
Insert: "$3,698"

16. Page 3, line 13.
Following: "~~$15.54~~"
Strike: "$21.50"
Insert: "$20.17"

17. Page 3, line 16.
Following: "~~$2,600~~"

Strike: "$3,598"
Insert: "$3,375"

18. Page 3, line 17.
Following: "~~$15.54~~"
Strike: "$21.50"
Insert: "$20.17"

19. Page 3, line 20.
Following: "~~$1,668~~"
Strike: "$2,308"
Insert: "$2,165"

20. Page 3, line 21.
Following: "~~$2.60~~"
Strike: "$3.60"
Insert: "$3.37"

21. Page 3, line 24.
Following: "~~$1,408~~"
Strike: "$1,949"
Insert: "$1,828"

22. Page 3, line 25.
Following: "~~$1.43~~"
Strike: "$1.98"
Insert: "$1.85"

23. Page 4, line 3.
Following: "~~$1,265~~"
Strike: "$1,751"
Insert: "$1,642"

24. Page 4, line 4.
Following: "~~26~~"
Strike: "36"
Insert: "34"

25. Page 4, line 7.
Following: "~~$1,106~~"
Strike: "$1,642"
Insert: "$1,540"

26. Page 4, line 20.
Following: "~~$13,202~~"
Strike: "$18,618"
Insert: "$17,915"

27. Page 4, line 23.
Following: "~~$13,202~~"
Strike: "$18,618"
Insert: "$17,915"

28. Page 4, line 24.
Following: line 23
Strike: "$778.10"
Insert: "$748.70"

29. Page 5, line 2.
Following: "~~$18,168~~"
Strike: "$25,620"
Insert: "$24,654"

30. Page 5, line 3.
Following: "~~$551.70~~"
Strike: "$778.10"
Insert: "$748.70"

31. Page 5, line 6.
Following: "$29,006"
Strike: "$40,905"
Insert: "$39,361"

32. Page 5, line 7.
Following: "~~$345.50~~"
Strike: "$487.30"
Insert: "$468.90"

33. Page 5, line 14.
Following: line 13
Strike: "$1,808"
Insert: "$1,740"
Following: "~~$1.25~~"
Strike: "$1.76"
Insert: "$1.69"

34. Page 5, line 18.
Following: "~~$1,207~~"
Strike: "$1,702"
Insert: "$1,638"

35. Page 5, line 19.
Following: "~~$1.12~~"
Strike: "$1.61"
Insert: "$1.54"

36. Page 5, line 22.
Following: "~~$979.60~~"
Strike: "$1,381"
Insert: "$1,329"

37. Page 6, line 9.
Following: "~~$75,210~~"
Strike: "$106,068"
Insert: "$102,066"

38. Page 6, line 11.
Following: "~~$3,134~~"
Strike: "$4,420"
Insert: "$4,253"

39. Page 6, line 12.
Following: "~~$17.89~~"
Strike: "$24.10"
Insert: "$23.19"

40. Page 6, line 15.
Following: "~~$2,868~~"
Strike: "$4,034"
Insert: "$3,882"

41. Page 6, line 16.
Following: "~~$17.09~~"
Strike: "$24.10"
Insert: "$23.19"

42. Page 6, line 19.
Following: "~~$1,835~~"
Strike: "$2,588"
Insert: "$2,490"

43. Page 6, line 20.
Following: "~~$2.06~~"
Strike: "$4.03"
Insert: "$3.88"

44. Page 6. line 23.
Following: "~~$1,549~~"
Strike: "$2,184"
Insert: "$2,102"

45. Page 6, line 24.
Following: "~~$1.57~~"
Strike: "$2.22"
Insert: "$2.13"

46. Page 7, line 2.
Following: "~~$1,392~~"
Strike: "$1,963"
Insert: "$1,889"

47. Page 7, line 3.
Following: "~~28~~"
Strike: "41"
Insert: "39"

48. Page 7, line 6.
Following: "~~$1,385~~"
Strike: "$1,840"
Insert: "$1,771"

49. Page 8, line 4.
Strike: "(2)"
Renumber: all subsequent subsections

50. Page 8, lines 10 through 23.
Strike: subsections (A) and (B) in their entirety

51. Page 10, lines 21 through 6 on page 12.
Strike: Sections 6 and 7 in their entirety

And, as so amended, be concurred in. Report adopted.

HB 611, third reading copy, be amended as follows:

1. Page 1, line 16.
Following: "support"
Strike: "$4,240,000" and "$14,920,000"
Insert: "-0-" and "$4,960,000"

2. Page 1, lines 17 through 20.
Strike: lines 17 through 20 in their entirety
Renumber: subsequent subsections

3. Page 1, line 16.
Strike: "(a)"

And, as so amended, be concurred in. Report adopted.

STATE ADMINISTRATION (Story, Chairman):

HB 38, third reading copy, be amended as follows:

1. Page 2, line 4.
Following: "obtained."
Strike: "A"
Insert: "Upon request of the secretary of state, a"

2. Page 2, line 7.
Following: "~~No~~"
Strike: "EXCEPT AS PROVIDED IN SUBSECTION (5), NO"
Insert: "No"

3. Page 2, line 10.
Following: "adopted."
Strike: "Each"
Insert: "Except as provided in subsection (5), each"

4. Page 2, line 17.
Following: "section."
Insert: "The committee may not require the publication of copyrighted material."

5. Page 2, line 25 through page 3, line 2.
Following: "funding,"
Strike: remainder of line 25, page 2, through "standards," on page 3, line 2

6. Page 3, line 3.
Following: "~~later~~"
Insert: "later"

7. Page 3, line 8.
Following: "REQUIRED"
Insert: "unless requested under 2-4-302 (4)"

8. Page 3, line 9.
Following: "administrative"
Strike: "code"
Insert: "rules of Montana"

And, as so amended, be concurred in. Report adopted.

HB 74, third reading copy, be amended as follows:

1. Title, lines 8 and 9.
Following: "COMMITTEE;"
Strike: "AND TO PROVIDE FOR ENFORCEMENT OF AGENCY DUTIES BY THE COMMITTEE."

2. Page 2, line 23.
Following: "~~Contested~~"
Strike: "As determined by"
Insert: "In the discretion of"

3. Page 6, line 24 through page 7, line 1.
Following: "~~(d)~~"
Insert: "(c)" and the remainder of line 24, page 6, through page 7, line 1

4. Page 7, line 2.
Following: "~~(c)~~"
Strike: "(c)"
Insert: "(d)"

5. Page 8, lines 7 and 8.
Following: "litigation"
Strike: "—enforcement of agency duties. (1)"
Insert: "."

6. Page 8, line 18 through page 9, line 4.
Following: line 17
Strike: line 18, page 8 through line 4, page 9 in its entirety

And, as so amended, be concurred in. Report adopted.

HB 637, be concurred in. Report adopted.

HB 725, third reading copy, be amended as follows:

1. Page 6, line 16.
Following: "amount"
Strike: "equal to"
Insert: "not to exceed"

And, as so amended, be concurred in. Report adopted.

TAXATION (Goodover, Chairman):
HB 389, third reading copy, be amended as follows:

1. Page 5, line 21.
Following: line 20
Insert: "(5) The $2 for decals collected pursuant to subsection 2(b)(iv) shall be deposited to the county general fund."

And, as so amended, be concurred in. Report adopted.

LOCAL GOVERNMENT (McCallum, Chairman):
HB 402, be not concurred in.

Thereupon, the Adverse Committee Report was adopted by the following roll call vote:

Ayes: Aklestad, Anderson, Boylan, B. Brown, S. Brown, Conover, Crippen, Eck, Etchart, Galt, Goodover, Graham, Hager, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lee, Manley, Manning, McCallum, Nelson, Ochsner, Olson, Severson, Smith, Stephens, Story, Thomas, Towe, Tveit.
Total 33

Noes: Berg, Dover, Hafferman, Haffey, Halligan, Healy, Mazurek, Norman, O'Hara, Regan, Ryan, Stimatz, Van Valkenburg.
Total 13

Excused: Johnson.
Total 1

Absent or not voting: Blaylock, Elliott, Mr. President.
Total 3

MESSAGES FROM THE GOVERNOR

March 12, 1981

The Honorable Jean A. Turnage
President of the Senate
Montana Senate
State Capitol
Helena, Montana 59620

Dear Mr. President:

This is to inform you that I have signed the following measures this date:

Senate Bill Nos. 27, 28, 43, 67, 69, 128, 168.

Sincerely,

TED SCHWINDEN
Governor

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following Senate Bills were on 3/13/81, concurred in and returned to the Senate:

Senate Bill No. 3, introduced by Norman (95-1)

Senate Bill No. 34, introduced by S. Brown (93-3)

Senate Bill No. 54, introduced by B. Brown (96-0)

Senate Bill No. 204, introduced by S. Brown (69-27)

Senate Bill No. 299, introduced by Ryan (87-6)

Senate Bill No. 406, introduced by Himsl (88-6)

Senate Bill No. 440, introduced by McCallum (88-6)

The following Senate Bills were on 3/13/81, concurred in as amended, and returned to the Senate for concurrence in House Amendments:

Senate Bill No. 58, introduced by Van Valkenburg (92-4)

Senate Bill No. 72, introduced by Galt (94-2)

Senate Bill No. 78, introduced by Severson (84-11)

Senate Bill No. 125, introduced by Dover (78-16)

Senate Bill No. 127, introduced by Norman (96-0)

Senate Bill No. 264, introduced by S. Brown (63-32)

Senate Bill No. 281, introduced by Van Valkenburg (92-1)

Senate Bill No. 394, introduced by S. Brown (90-5)

The following Senate Bill was on 3/12/81, on Committee Report, not concurred in and returned to the Senate:

Senate Bill No. 7, introduced by Towe

MOTIONS

Motion was made by Senator Stephens that the rules of the Forty-seventh Legislative Session be temporarily suspended in order to place House Bill No. 610 on Second Reading this Legislative Day. Motion carried by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Etchart, Galt, Goodover, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Keating, Kolstad, Lee, Mazurek, McCallum, Nelson, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Towe, Tveit, Van Valkenburg.

Total 42

Noes: None.
Total 0

Excused: Johnson.
Total 1

Absent or not voting: Elliott, Graham, Manley, Manning, Norman, Thomas, Mr. President.
Total 7

Motion was made by Senator Stephens that the rules of the Forty-seventh Legislative Session be temporarily suspended in order to place House Bill No. 611 on Second Reading this Legislative day. Motion carried by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Etchart, Galt, Goodover, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Keating, Kolstad, Lee, Mazurek, McCallum, Nelson, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Towe, Tveit, Van Valkenburg.
Total 42

Noes: None.
Total 0

Excused: Johnson.
Total 1

Absent or not voting: Elliott, Graham, Manley, Manning, Norman, Thomas, Mr. President.
Total 7

Senator Story moved that the Senate reconsider its action taken on the adoption of indefinitely postponing House Bill No. 636. Motion carried by the following vote:

Ayes: Anderson, Berg, B. Brown, Conover, Crippen, Dover, Eck, Etchart, Galt, Hafferman, Haffey, Hager, Hammond, Healy, Keating, Kolstad, Lee, Manning, Mazurek, McCallum, Ochsner, O'Hara, Ryan, Severson, Smith, Story, Thomas, Tveit, Mr. President.
Total 29

Noes: Aklestad, Blaylock, Boylan, S. Brown, Goodover, Graham, Halligan, Hazelbaker, Himsl, Jacobson, Manley, Nelson, Norman, Olson, Regan, Stephens, Stimatz, Towe, Van Valkenburg.
Total 19

Excused: Johnson.
Total 1

Absent or not voting: Elliott.
Total 1

Senator Berg moved that House Bill No. 685 pass consideration until March 16, 1981. Unanimously passed.

Senator Berg moved that the Senate reconsider its action taken on the adoption of the Adverse Committee Report on House Bill No. 531 placed on Second Reading. Motion failed by the following vote:

Ayes: Aklestad, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Eck, Haffey, Healy, Himsl, Jacobson, Lee, Manley, Manning, Mazurek, Ochsner, Regan, Ryan, Stimatz, Thomas, Towe, Tveit, Van Valkenburg.
Total 24

Noes: Anderson, Crippen, Dover, Etchart, Galt, Goodover, Graham, Hafferman, Hager, Halligan, Hammond, Hazelbaker, Keating, Kolstad, McCallum, Nelson, Norman, O'Hara, Olson, Severson, Smith, Stephens, Story, Mr. President.
Total 24

Excused: Johnson.
Total 1

Absent or not voting: Elliott.
Total 1

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

Senate Bill No. 221 was passed by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Keating, Kolstad, Lee, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 47

Noes: None.
Total 0

Excused: Johnson.
Total 1

Absent or not voting: Elliott, Manley.
Total 2

House Bill No. 107 was concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Keating, Kolstad, Lee, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 47

Noes: None.
Total 0

Excused: Johnson.
Total 1

Absent or not voting: Elliott, Manley.
Total 2

House Bill No. 141 was concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Keating, Kolstad, Lee, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 47

Noes: None.
Total 0

Excused: Johnson.
Total 1

Absent or not voting: Elliott, Manley.
Total 2

House Bill No. 247 was concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Johnson.
Total 1

Absent or not voting: Elliott.
Total 1

House Bill No. 271 was concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 47

Noes: None.
Total 0

Excused: Johnson.
Total 1

Absent or not voting: Elliott, Norman.
Total 2

House Bill No. 283 was concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Keating, Kolstad, Lee, Manley, Manning, McCallum, Nelson,

Norman, Ochsner, O'Hara, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 45

Noes: Mazurek, Olson, Regan.
Total 3

Excused: Johnson.
Total 1

Absent or not voting: Elliott.
Total 1

House Bill No. 286 was concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Johnson.
Total 1

Absent or not voting: Elliott.
Total 1

House Bill No. 324 was concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Keating, Kolstad, Lee, Manley, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 47

Noes: None.
Total 0

Excused: Johnson.
Total 1

Absent or not voting: Elliott, Manning.
Total 2

House Bill No. 350 was concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, Conover, Crippen, Dover, Eck, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Keating, Kolstad, Lee, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 46

Noes: S. Brown, Manley.

Total 2

Excused: Johnson.
Total 1

Absent or not voting: Elliott.
Total 1

House Bill No. 353 was concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Johnson.
Total 1

Absent or not voting: Elliott.
Total 1

House Bill No. 405 was concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Keating, Lee, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 45

Noes: Manley, Ryan.
Total 2

Excused: Johnson.
Total 1

Absent or not voting: Elliott, Kolstad.
Total 2

House Bill No. 450 was concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Boylan, B. Brown, S. Brown, Dover, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hammond, Hazelbaker, Healy, Himsl, Keating, Kolstad, Lee, Manley, Mazurek, McCallum, Nelson, Ochsner, O'Hara, Olson, Ryan, Severson, Smith, Stephens, Story, Thomas, Mr. President.
Total 34

Noes: Blaylock, Conover, Crippen, Eck, Hager, Halligan, Jacobson, Norman, Regan, Stimatz, Towe, Tveit, Van Valkenburg.
Total 13

Excused: Johnson.
Total 1

Absent or not voting: Elliott, Manning.

Total 2

House Bill No. 494 was concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Johnson.
Total 1

Absent or not voting: Elliott.
Total 1

House Bill No. 750 was concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Johnson.
Total 1

Absent or not voting: Elliott.
Total 1

At the request of the President Pro Tempore, and without objection, the Senate reverted to Order of Business No. 8.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Senator Crippen in the Chair.

Senate resumed. President Pro Tempore Kolstad in the Chair.

Mr. President Pro Tempore: We, your Committee of the Whole, having had under consideration business on Second Reading, recommend as follows:

That House Joint Resolution No. 17 be amended as follows:

1. Page 2, line 13.
Following: "Baker,"
Strike: "President"
Insert: "Majority Leader"

Amendment passed by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Johnson.
Total 1

Absent or not voting: None.
Total 0

That House Joint Resolution No. 17, as amended, be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Johnson.
Total 1

Absent or not voting: None.
Total 0

That Senate Bill No. 96 do pass by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Johnson.
Total 1

Absent or not voting: None.
Total 0

That Senate Bill No. 102 pass consideration. Unanimously passed.

That Senate Bill No. 382 do pass by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham

Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Johnson.
Total 1

Absent or not voting: None.
Total 0

Senator Crippen relinquished the Chair.

Senator Etchart assumed the Chair.

That Senate Joint Resolution No. 23 be amended. Motion failed by the following vote:

Ayes: Anderson, Boylan, Crippen, Dover, Etchart, Galt, Graham, Healy, Lee, Manley, Smith, Tveit.
Total 12

Noes: Aklestad, Berg, Blaylock, B. Brown, S. Brown, Conover, Eck, Goodover, Hafferman, Haffey, Hager, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Severson, Stephens, Stimatz, Story, Thomas, Towe, Van Valkenburg, Mr. President.
Total 33

Excused: Johnson.
Total 1

Absent or not voting: Hafferman, Halligan, Manning, Ryan.
Total 4

That Senate Joint Resolution No. 23 do pass by the following vote:

Ayes: Aklestad, Anderson, Berg, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Keating, Kolstad, Lee, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 43

Noes: Blaylock, Boylan, Hager, Manley.
Total 4

Excused: Johnson.
Total 1

Absent or not voting: Manning, Ryan.
Total 2

Senator Etchart relinquished the Chair.

Senator Crippen assumed the Chair.

That House Amendments to Senate Bill No. 29 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Johnson.
Total 1

Absent or not voting: None.
Total 0

That House Amendments to Senate Bill No. 36 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Johnson.
Total 1

Absent or not voting: None.
Total 0

That House Amendments to Senate Bill No. 103 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Johnson.
Total 1

Absent or not voting: None.
Total 0

That House Amendments to Senate Bill No. 459 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Johnson.
Total 1

Absent or not voting: None.
Total 0

That House Bill No. 7 be amended as follows:

1. Page 1, line 13.
Following: "6"
Insert: "and 8 through 10"

2. Page 1, line 15.
Following: "6"
Insert: "and 8 through 10"

3. Page 1, line 18.
Following: "6"
Insert: "and 8 through 10"

4. Page 5, line 19.
Following: "6"
Insert: "and 8 through 10"

5. Page 6, line 17.
Following: "[“
Strike: "This act"
Insert: "Sections 1 through 6 and 8 through 10"

6. Page 9, line 1.
Following: "6"
Insert: "and 8 through 10"

7. Page 10. line 6.
Following: "THROUGH"
Strike: "9"
Insert: "6 and 8 through 10"

Amendments passed by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Johnson.
Total 1

Absent or not voting: None.
Total 0

That House Bill No. 7, as amended, be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Keating, Kolstad, Lee, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 46

Noes: Boylan, Manley, Ryan.
Total 3

Excused: Johnson.
Total 1

Absent or not voting: None.
Total 0

That House Bill No. 201 be concurred in by the following vote:

Ayes: Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Galt, Graham, Haffey, Hager, Halligan, Hammond, Jacobson, Mazurek, Norman, O'Hara, Regan, Ryan, Severson, Stephens, Stimatz, Story, Thomas, Towe, Van Valkenburg, Mr. President.
Total 30

Noes: Aklestad, Elliott, Etchart, Goodover, Hafferman, Hazelbaker, Healy, Himsl, Keating, Kolstad, Lee, Manley, McCallum, Nelson, Ochsner, Olson, Smith, Tveit.
Total 18

Excused: Johnson.
Total 1

Absent or not voting: Manning.
Total 1

That House Bill No. 202 be concurred in. Motion failed by the following vote:

Ayes: Aklestad, Anderson, Boylan, Crippen, Dover, Galt, Hager, Hammond, Hazelbaker, Keating, Kolstad, Lee, Manley, McCallum, Stephens, Thomas, Mr. President.
Total 17

Noes: Berg, Blaylock, S. Brown, Conover, Eck, Elliott, Etchart, Goodover, Graham, Hafferman, Haffey, Halligan, Healy, Himsl, Jacobson, Mazurek, Nelson, Norman, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stimatz, Story, Towe, Tveit, Van Valkenburg.
Total 29

Excused: Johnson.
Total 1

Absent or not voting: B. Brown, Manning, Ochsner.
Total 3

That House Bill No. 202 be indefinitely postponed by the following vote:

Ayes: Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Goodover, Graham, Hafferman, Haffey, Halligan, Hazelbaker, Healy, Himsl, Jacobson, Mazurek, Nelson, Norman, O'Hara, Olson, Regan, Ryan, Severson, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg.
Total 35

Noes: Aklestad, Galt, Hager, Hammond, Kolstad, Lee, Manley, McCallum, Smith, Stephens, Mr. President.
Total 11

Excused: Johnson.
Total 1

Absent or not voting: Keating, Manning, Ochsner.
Total 3

That House Bill No. 233 be amended as follows:

1. Page 1, line 24.
Following: "legislature"
Insert: "This committee shall consist of the legislative finance committee as authorized by law, the minority leader of the house of representatives, the minority leader of the senate, the chairman of the state administrative committee of the house of representatives and the chairman of the state administrative committee of the senate."

Amendment passed by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Johnson.
Total 1

Absent or not voting: None.
Total 0

House Bill No. 233, being a Constitutional Amendment requiring a two-thirds vote of the Legislature, was sent to the House with the following roll call vote:

Ayes: Aklestad, Anderson, Boylan, Crippen, Dover, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Hager, Hammond, Hazelbaker, Keating, Kolstad, Lee, Manley, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Severson, Smith, Stephens, Stimatz, Story, Thomas, Tveit, Mr. President.
Total 32

Noes: Berg, Blaylock, B. Brown, S. Brown, Conover, Eck, Haffey, Halligan, Healy, Himsl, Jacobson, Mazurek, Regan, Ryan, Towe, Van Valkenburg.

Total 16

Excused: Johnson.
Total 1

Absent or not voting: Manning.
Total 1

That House Bill No. 291 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Johnson.
Total 1

Absent or not voting: None.
Total 0

That House Bill No. 390 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Manning.
Total 1

Absent or not voting: None.
Total 0

That House Bill No. 466 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Neslon, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Johnson.
Total 1

Absent or not voting: None.
Total 0

That House Bill No. 481 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Johnson.
Total 1

Absent or not voting: None.
Total 0

That House Bill No. 502 pass consideration. Unanimously passed.

That House Bill No. 545 be concurred in by the following vote:

Ayes: Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, O'Hara, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 46

Noes: Aklestad, Ochsner, Olson.
Total 3

Excused: Johnson.
Total 1

Absent or not voting: None.
Total 0

That House Bill No. 610 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Johnson.
Total 1

Absent or not voting: None.
Total 0

That House Bill No. 611 be amended as follows:

1. Page 1.
Following: line 22
Insert: "(3) To the extent funds appropriated in subsections (1) and (2) exceed the amounts required for public school support, other than for special education, the excess may be used to fund the state's portion of the maximum-budget-without-a-vote for special education."

Amendment passed by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Johnson.
Total 1

Absent or not voting: None.
Total 0

That House Bill No. 611, as amended, be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Johnson.
Total 1

Absent or not voting: None.
Total 0

That the Committee rise and report. (Crippen, Chairman)

Senator Towe moved that House Bill No. 390 be segregated from the Committee of the Whole Report. Unanimously passed.

Senator Hammond moved that House Bill No. 202 be segregrated from the Committee of the Whole Report. Motion carried by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.

Total 48

Noes: Regan.
Total 1

Excused: Johnson.
Total 1

Absent or not voting: None.
Total 0

Upon motion of Senator Crippen, duly carried, the foregoing Report of the Committee of the Whole was adopted.

MOTIONS

Senator Stephens moved that the rules of the Forty-seventh Legislative Session be temporarily suspended in order to place House Bill No. 610 and House Bill No. 611 on Third Reading for consideration this Legislative Day. Motion carried by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Keating, Kolstad, Lee, Manley, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 47

Noes: None.
Total 0

Excused: Johnson.
Total 1

Absent or not voting: Manning, Severson.
Total 2

At the request of the President Pro Tempore, and without objection, the Senate reverted to Order of Business No. 2.

REPORTS OF STANDING COMMITTEES

PRINTING (O'Hara, Chairman):
Correctly printed and placed on the members' desks - SB 42. Report adopted.

BILLS (O'Hara, Chairman):
Correctly enrolled - SB 35, SB 94, SB 111, SB 165, SB 233, SB 262. Report adopted.

The Senate will please take note that the President did, at the hour of 4:30 p.m., 3/13/81, sign the following bills:
SB 35, SB 94, SB 111, SB 165, SB 233, SB 262, HB 3, HB 140, HB 150, HB 199, HB 254, HB 274, HB 315, HB 335, HB 387, HB 464.

Jean A. Turnage
President

I have examined Senate Bill No. 262 introduced by me and find the same to be correct. (Van Valkenburg)

I have examined Senate Bill No. 233 introduced by me and find the same to be correct. (Hafferman)

I have examined Senate Bill No. 165 introduced by me and find the same to be correct. (Smith)

I have examined Senate Bill No. 111 introduced by me and find the same to be correct. (Stimatz)

I have examined Senate Bill No. 94 introduced by me and find the same to be correct. (Boylan)

I have examined Senate Bill No. 35 introduced by me and find the same to be correct. (S. Brown)

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

House Bill No. 610 was concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Keating, Kolstad, Lee, Manley, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 47

Noes: None.
Total 0

Excused: Johnson.
Total 1

Absent or not voting: Manning, Severson.
Total 2

House Bill No. 611 was concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Keating, Kolstad, Lee, Manley, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Johnson.
Total 1

Absent or not voting: Manning.
Total 1

Upon motion of Senator Stephens, duly carried, the Senate adjourned at 7:10 p.m. until Saturday, March 14, at the hour of 11:00 a.m.

ALLEN C. KOLSTAD
President Pro Tempore of the Senate

JOHN W. LARSON
Secretary of the Senate

FIFTY-SEVENTH LEGISLATIVE DAY

Helena, Montana
March 14, 1981

Senate Chambers
Capitol Building

Senate convened at 11:00 a.m., President Turnage presiding. Invocation by the Chaplain. Pledge of Allegiance to the Flag.

Roll call. All members present except Manning, Thomas, excused. Quorum present.

Mr. President: We, your Committee on Bills and Journal, having examined the daily journal for the Fifty-sixth Legislative Day, find the same to be correct.

O'HARA, Chairman

REPORTS OF STANDING COMMITTEES

TAXATION (Goodover, Chairman):
SB 322, introduced bill, be amended as follows:

1. Title, line 6.
Following: "MONTANA"
Strike: the remainder of line 6 and all of line 7
Insert: "BY PROVIDING TAX INCENTIVES"

2. Title, line 8.
Following: "SECTIONS"
Strike: "15-6-135,"

3. Title, line 8.
Following: "15-30-121"
Strike: ","

4. Page 2, line 23.
Following: "includes"
Strike: "both fertilizer and"

5. Page 2, line 24.
Following: "amendments as"
Strike: "those terms are"
Insert: "that term is"

6. Page 3, line 6.
Following: "deduct"
Strike: "a portion of"
Following: "his"
Strike: "expenditure"
Insert: "expenditures"

7. Page 3, lines 7 through 16.
Following: "used in Montana"
Strike: the remainder of line 7 through "expended" on line 16

8. Page 3, line 17 through page 7, line 4.
Following: line 16
Strike: Sections 4, 5 and 6 in their entirety
Renumber: subsequent sections accordingly

And, as so amended, do pass. Report adopted.

AGRICULTURE, LIVESTOCK AND IRRIGATION (Galt, Chairman):

HB 596, third reading copy, be amended as follows:

1. Title, line 9.
Following: "WATER;"
Strike: "AND"

2. Title, line 11.
Following: "ACT"
Insert: "AND PROVIDING AN EFFECTIVE DATE"

3. Page 2.
Following: line 7
Insert: "Section 2. Effective date. This act is effective on passage and approval."

And, as so amended, be concurred in. Report adopted.

EDUCATION AND CULTURAL RESOURCES (B. Brown, Chairman):
HB 449, be concurred in. Report adopted.

HB 618, third reading copy, be amended as follows:

1. Page 1, line 21.
Following: "providing"
Strike: "a"

And, as so amended, be concurred in. Report adopted.

HB 618, Statement of Intent be concurred in. Report adopted.

HIGHWAYS AND TRANSPORTATION (Etchart, Chairman):
HB 299, third reading copy, be amended as follows:

1. Title, line 7.
Following: "MCA"
Insert: "; AND PROVIDING AN EFFECTIVE DATE"

2. Page 4.
Following: line 20
Insert: "Section 3. Effective date. [This act] is effective on July 1, 1981."

3. Page 4, line 14.
Following: "AXLE"
Insert: "but the maximum load per inch of tire width may not exceed 670 pounds"

And, as so amended, be concurred in. Report adopted.

HB 522, be concurred in. Report adopted.
HB 547, be concurred in. Report adopted.
HB 593, be concurred in. Report adopted.

JUDICIARY (Anderson, Chairman):
HB 215, third reading copy, be amended as follows:

1. Page 1, lines 17 through 18.
Following: line 16
Insert: stricken language
Reletter: subsequent subsection

2. Page 1, line 22.
Following: "in"
Strike: "all"
Insert: "the following"

3. Page 1, line 23.
Following: "misdemeanor"
Insert: ": (a) misdemeanors arising at the same time as and out of the same transaction as a charged felony;

(b) misdemeanors resulting from the reduction of a felony offense charged in the district court; and

(c) misdemeanors resulting from a jury finding of a lesser included offense in a felony case"

And, as so amended, be concurred in. Report adopted.

PUBLIC HEALTH, WELFARE AND SAFETY (Hager, Chairman):
HB 95, be concurred in. Report adopted.
HB 172, be concurred in. Report adopted.
HB 439, be concurred in. Report adopted.
HB 632, be concurred in. Report adopted.

RULES (Stephens, Chairman):
HB 546, introduced bill, be amended as follows:

1. Title, lines 8 and 9.
Following: "CARRIER;"
Strike: "BY REMOVING THE EXEMPT STATUS OF MOTORCYCLES;"

2. Title, line 10.
Following: "61-6-302"
Strike: "THROUGH"
Insert: "AND"

3. Page 2, line 25 through page 3, line 24.
Strike: Section 2 in its entirety

4. Page 4, line 11.
Following: "PUNISHABLE"
Strike: "AS PROVIDED IN 46-18-212"
Insert: "by a fine not to exceed $250"

And, as so amended, be concurred in. Report adopted.

TAXATION (Goodover, Chairman):
HB 237, third reading copy, be amended as follows:

1. Page 1, line 25.
Strike: "10%"
Insert: "5%"

2. Page 2, line 4.
Strike: "10%"
Insert: "5%"

And, as so amended, be concurred in. Report adopted.

HB 288, be concurred in. Report adopted.
HB 457, be concurred in. Report adopted.

HB 775, third reading copy, be amended as follows:

1. Title, line 8.
Following: "THROUGH"
Strike: "15-30-228"
Insert: "15-30-227"

2. Page 4, line 9.
Following: line 8
Strike: "15-30-228"
Insert: "15-30-227"

And, as so amended, be concurred in. Report adopted.

NATURAL RESOURCES (Dover, Chairman):
HJR 32, be concurred in. Report adopted.

HIGHWAYS AND TRANSPORTATION (Etchart, Chairman):
HB 320, be not concurred in.

Thereupon, the Adverse Committee Report was adopted by the following roll call vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Ryan, Severson, Smith, Stephens, Stimatz, Story, Towe, Tveit, Van Valkenburg, Mr. President.
Total 45

Noes: S. Brown.
Total 1

Excused: Manning, Thomas.
Total 2

Absent or not voting: Manley, Regan.
Total 2

PUBLIC HEALTH, WELFARE AND SAFETY (Hager, Chairman):
HB 420, third reading copy, be amended as follows:

1. Page 1, line 19.
Following: "~~patients.~~"
Insert: "The standards may concern only the health standards to be met and standards of treatment to be afforded patients."

And, as so amended, be not concurred in.

Thereupon, the Adverse Committee Report was adopted by the following roll call vote:

Ayes: Aklestad, Anderson, Blaylock, Boylan, B. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Lee, Manley, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Severson, Smith, Stephens, Stimatz, Tveit, Mr. President.
Total 38

Noes: Berg, S. Brown, Hafferman, Kolstad, Mazurek, Ryan, Towe, Van Valkenburg.
Total 8

Excused: Manning, Thomas.
Total 2

Absent or not voting: Regan, Story.
Total 2

MOTIONS

Senator Lee moved that House Bill No. 202 be taken from Second Reading and be rereferred to the Committee on Local Government. Uanimously passed.

FIRST READING OF BILLS

The following Senate Joint Resolutions were introduced, read first time and referred to committees:

SJR 27, introduced by Kolstad, Norman, Blaylock, Hazelbaker, Keating, Conroy, E. Smith, Jacobson, Manley, Towe, Goodover, Lee, Stephens, Hager, Ryan, Mazurek, Turnage, Healy, Stimatz, Graham, R. Manning, Galt, Boylan, Quilici, Fagg, Marks, Menahan, Fabrega, Andreason, Vincent, Kitselman, Pavlovich, Kessler, Dussault, Iverson, D. O'Hara, Robbins, Wallin, Meyer, D. Brown, Ellerd, Lory, Roush, Keedy, Kanduch, McCallum, Nelson, Hafferman, Conover, Thomas, Abrams, Daily, S. Brown, C. Smith, D. Manning. Referred to Committee on Business and Industry.

SJR 28, introduced by Himsl, Regan, (By Request of the Senate Finance and Claims Committee). Referred to Committee on Local Government.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

Senate Bill No. 292 was passed by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Ryan, Severson, Smith, Stephens, Stimatz, Story, Towe, Tveit, Van Valkenburg, Mr. President.
Total 46

Noes: None.
Total 0

Excused: Manning, Thomas.
Total 2

Absent or not voting: Hafferman, Regan.
Total 2

House Bill No. 16 was concurred in by the following vote:

Ayes: Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Etchart, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Healy, Himsl, Jacobson, Johnson, Kolstad, Lee, Mazurek, McCallum, Norman, O'Hara, Ryan, Smith, Stephens, Stimatz, Story, Towe, Tveit, Van Valkenburg, Mr. President.
Total 36

Noes: Aklestad, Elliott, Galt, Goodover, Hazelbaker, Keating, Manley, Nelson, Ochsner, Olson, Severson.
Total 11

Excused: Manning, Thomas.
Total 2

Absent or not voting: Regan.
Total 1

House Bill No. 67 was concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Ryan, Severson, Smith, Stephens, Stimatz, Story, Towe, Tveit, Van Valkenburg, Mr. President.
Total 47

Noes: None.
Total 0

Excused: Manning, Thomas.
Total 2

Absent or not voting: Regan.
Total 1

House Bill No. 88 was concurred in by the following vote:

Ayes: Anderson, Berg, Blaylock, Boylan, B. Brown, Conover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Healy, Himsl, Jacobson, Johnson, Keating, Mazurek, McCallum, Norman, Ochsner, O'Hara, Olson, Ryan, Severson, Stephens, Stimatz, Story, Towe, Mr. President.
Total 34

Noes: Aklestad, S. Brown, Crippen, Dover, Hammond, Hazelbaker, Kolstad, Lee, Manley, Nelson, Smith, Tveit, Van Valkenburg.
Total 13

Excused: Manning, Thomas.
Total 2

Absent or not voting: Regan.
Total 1

House Bill No. 296, being a Constitutional Amendment requiring a two-thirds vote of the Legislature, was concurred in by the following vote:

Ayes: Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Eck, Elliott, Etchart, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Jacobson, Johnson, Kolstad, Lee, Mazurek, McCallum, Norman, Ochsner, O'Hara, Olson, Severson, Stephens, Stimatz, Story, Towe, Van Valkenburg.
Total 34

Noes: Aklestad, Crippen, Dover, Galt, Hafferman, Himsl, Keating, Manley, Nelson, Ryan, Smith, Tveit, Mr. President.
Total 13

Excused: Manning, Thomas.
Total 2

Absent or not voting: Regan.
Total 1

House Bill No. 346 was concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham,

Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Ryan, Severson, Smith, Stephens, Stimatz, Towe, Tveit, Van Valkenburg, Mr. President.
Total 45

Noes: Manley.
Total 1

Excused: Manning, Thomas.
Total 2

Absent or not voting: Regan, Story.
Total 2

House Bill No. 358 was concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Severson, Smith, Stephens, Stimatz, Towe, Tveit, Van Valkenburg, Mr. President.
Total 45

Noes: Ryan.
Total 1

Excused: Manning, Thomas.
Total 2

Absent or not voting: Regan, Story.
Total 2

House Bill No. 360 was concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Ryan, Severson, Smith, Stephens, Stimatz, Story, Towe, Tveit, Van Valkenburg, Mr. President.
Total 47

Noes: None.
Total 0

Excused: Manning, Thomas.
Total 2

Absent or not voting: Regan.
Total 1

House Bill No. 413 was concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Ryan, Severson, Smith, Stephens, Stimatz, Story, Towe, Tveit, Van Valkenburg, Mr. President.
Total 47

Noes: None.

Total 0

Excused: Manning, Thomas.
Total 2

Absent or not voting: Regan.
Total 1

House Bill No. 468 was concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Mazurek, McCallum, Nelson, Norman, O'Hara, Olson, Regan, Severson, Smith, Stephens, Stimatz, Story, Towe, Van Valkenburg, Mr. President.
Total 41

Noes: Galt, Goodover, Graham, Manley, Ochsner, Ryan, Tveit.
Total 7

Excused: Manning, Thomas.
Total 2

Absent or not voting: None.
Total 0

(Including the following pair: Regan, aye - Ryan, no.)

At the request of Senator Healy, and without objection, that his vote be changed from "no" to "aye" on House Bill No. 468.

House Bill No. 484 was concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, Conover, Crippen, Dover, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Ryan, Severson, Smith, Stephens, Stimatz, Story, Towe, Tveit, Mr. President.
Total 41

Noes: B. Brown, S. Brown, Eck, Elliott, Etchart, Van Valkenburg.
Total 6

Excused: Manning, Thomas.
Total 2

Absent or not voting: Regan.
Total 1

House Bill No. 524 was concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Ryan, Severson, Smith, Stephens, Stimatz, Story, Towe, Tveit, Van Valkenburg, Mr. President.
Total 46

Noes: S. Brown.
Total 1

Excused: Manning, Thomas.

Total 2

Absent or not voting: Regan.
Total 1

House Bill No. 681 was concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Mazurek, McCallum, Nelson, Ochsner, O'Hara, Olson, Ryan, Severson, Smith, Stephens, Stimatz, Story, Towe, Tveit, Van Valkenburg, Mr. President.
Total 44

Noes: Dover, Manley, Norman.
Total 3

Excused: Manning, Thomas.
Total 2

Absent or not voting: Regan.
Total 1

House Amendments to Senate Bill No. 29 were concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Ryan, Severson, Smith, Stephens, Stimatz, Story, Towe, Tveit, Van Valkenburg, Mr. President.
Total 47

Noes: None.
Total 0

Excused: Manning, Thomas.
Total 2

Absent or not voting: Regan.
Total 1

House Amendments to Senate Bill No. 36 were concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Ryan, Severson, Smith, Stephens, Stimatz, Story, Towe, Tveit, Van Valkenburg, Mr. President.
Total 47

Noes: None.
Total 0

Excused: Manning, Thomas.
Total 2

Absent or not voting: Regan.
Total 1

House Amendments to Senate Bill No. 103 were concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Severson, Smith, Stephens, Stimatz, Story, Towe, Tveit, Van Valkenburg, Mr. President.
Total 46

Noes: Ryan.
Total 1

Excused: Manning, Thomas.
Total 2

Absent or not voting: Regan.
Total 1

House Amendments to Senate Bill No. 459 were concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Ryan, Severson, Smith, Stephens, Stimatz, Story, Towe, Tveit, Van Valkenburg, Mr. President.
Total 46

Noes: None.
Total 0

Excused: Manning, Thomas.
Total 2

Absent or not voting: Graham, Regan.
Total 2

At the request of the President, and without objection, the Senate reverted to Order of Business No. 8.

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Graham in the Chair.

Senate resumed. President Turnage in the Chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on Second Reading, recommend as follows:

That Senate Bill No. 102 pass consideration. Unanimously passed.

That House Bill No. 502 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Towe, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Manning, Thomas.
Total 2

Absent or not voting: None.
Total 0

Senator Thomas entered the Senate Chamber.

That House Bill No. 390 be amended as follows:

That the following amendments of the Senate Standing Committee on Local Government of March 11, 1981, be stricken:

1. Title, line 5.
Following: line 4
Strike: "PUBLIC"
Insert: "PUBLICLY OWNED"

2. Page 2, line 4.
Following: "Any"
Strike: "public"
Insert: "publicly owned"

And further, that the following amendments be made to the bill:

1. Page 2, line 4.
Following: "Any"
Strike: "public"
Following: "building"
Insert: ", whether or not publicly owned,"

2. Page 2, line 5.
Following: "place"
Insert: "provided the owners or other persons in charge consent to such use"

Amendments passed by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Mr. President.
Total 48

Noes: Van Valkenburg.
Total 1

Excused: Manning.
Total 1

Absent or not voting: None.
Total 0

That House Bill No. 390, as amended, be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl,

Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Manning.
Total 1

Absent or not voting: None.
Total 0

That Senate Bill No. 42 do pass. Motion failed by the following vote:

Ayes: Aklestad, Berg, Blaylock, B. Brown, S. Brown, Crippen, Eck, Elliott, Graham, Haffey, Hager, Halligan, Johnson, Mazurek, McCallum, Nelson, Norman, Ochsner, Olson, Severson, Towe, Tveit, Van Valkenburg.
Total 23

Noes: Anderson, Boylan, Conover, Dover, Etchart, Galt, Goodover, Hafferman, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Keating, Kolstad, Lee, Manley, O'Hara, Ryan, Smith, Stephens, Stimatz, Story, Thomas, Mr. President.
Total 25

Excused: Manning, Regan.
Total 2

Absent or not voting: None.
Total 0

That Senate Bill No. 42 be indefinitely postponed. Motion carried by the following vote:

Ayes: Anderson, Boylan, Conover, Crippen, Dover, Eck, Etchart, Galt, Goodover, Hafferman, Haffey, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Keating, Kolstad, Lee, Manley, Norman, O'Hara, Ryan, Smith, Stephens, Stimatz, Story, Thomas, Mr. President.
Total 29

Noes: Aklestad, Berg, Blaylock, B. Brown, S. Brown, Elliott, Graham, Hager, Halligan, Johnson, Mazurek, McCallum, Nelson, Ochsner, Olson, Severson, Towe, Tveit, Van Valkenburg.
Total 19

Excused: Manning, Regan.
Total 2

Absent or not voting: None.
Total 0

That Senate Bill No. 457, without objection, be moved to the bottom of the board.

That House Bill No. 225 pass consideration. Unanimously passed.

That House Bill No. 351 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl,

Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Manning.
Total 1

Absent or not voting: None.
Total 0

That House Bill No. 407 be concurred in by the following vote:

Ayes: Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Mazurek, McCallum, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 46

Noes: Aklestad, Hafferman, Nelson.
Total 3

Excused: Manning.
Total 1

Absent or not voting: None.
Total 0

That the Committee rise and report. (Graham, Chairman)

Upon motion of Senator Graham, duly carried, the foregoing Report of the Committee of the Whole was adopted.

At the request of the President, and without objection, the Senate reverted to Order of Business No. 2.

REPORTS OF STANDING COMMITTEES

BILLS (O'Hara, Chairman):
Correctly enrolled - SB 60, SB 66, SB 73, SB 106, SB 218, SB 338, SB 365, SB 393, SB 395. Report adopted.

I have examined Senate Bill No. 60 introduced by me and find the same to be correct. (Elliott)

I have examined Senate Bill No. 66 introduced by me and find the same to be correct. (Hazelbaker)

I have examined Senate Bill No. 73 introduced by me and find the same to be correct. (McCallum)

I have examined Senate Bill No. 106 introduced by me and find the same to be correct. (Himsl)

I have examined Senate Bill No. 218 introduced by me and find the same to be correct. (S. Brown)

I have examined Senate Bill No. 338 introduced by me and find the same to be correct. (Keating)

I have examined Senate Bill No. 365 introduced by me and find the same to be correct. (Hazelbaker)

I have examined Senate Bill No. 393 introduced by me and find the same to be correct. (S. Brown)

I have examined Senate Bill No. 395 introduced by me and find the same to be correct. (S. Brown)

The Senate will please take note that the President did, at the hour of 11:30 a.m., 3/14/81, sign the following bills:

SB 60, SB 66, SB 73, SB 106, SB 218, SB 338, SB 365, SB 393, SB 395.

Jean A. Turnage
President

Upon motion of Senator Stephens, duly carried, the Senate adjourned at 12:14 p.m. until Sunday, March 15, at the hour of 1:30 p.m.

JEAN A. TURNAGE
President of the Senate

JOHN W. LARSON
Secretary of the Senate

FIFTY-EIGHTH LEGISLATIVE DAY

Helena, Montana
March 16, 1981

Senate Chambers
Capitol Building

Senate convened at 3:00 p.m., President Turnage presiding. Invocation by the Chaplain. Pledge of Allegiance to the Flag.

Roll call. All members present. Quorum present.

Mr. President: We, your Committee on Bills and Journal, having examined the daily journal for the Fifty-seventh Legislative Day, find the same to be correct.

O'HARA, Chairman

REPORTS OF STANDING COMMITTEES

BILLS (O'Hara, Chairman):
Signed by the Speaker of the House and President of the Senate, 3/16/81, at the hour of 11:45 a.m., delivered to the Governor for his approval - SB 35, SB 60, SB 66, SB 73, SB 94, SB 106, SB 111, SB 165, SB 218, SB 233, SB 262, SB 338, SB 365, SB 393, SB 395. Report adopted.

Correctly engrossed - SB 96, SB 382, SJR 23. Report adopted.

PRINTING (O'Hara, Chairman):
Correctly printed and placed on the members' desks - SB 322. Report adopted.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

House Bill No. 7 was concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Smith, Stephens, Stimatz, Story, Towe, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: Severson, Thomas.
Total 2

House Bill No. 201 was concurred in by the following vote:

Ayes: Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Eck, Elliott, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Jacobson, Johnson, Keating, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Van Valkenburg, Mr. President.
Total 39

Noes: Aklestad, Dover, Etchart, Galt, Hafferman, Himsl, Kolstad, Lee, Manley, Olson, Tveit.
Total 11

Excused: None.
Total 0

Absent or not voting: None.
Total 0

House Bill No. 233, being a Constitutional Amendment requiring a two-thirds vote of the Legislature, was concurred in by the following vote:

Ayes: Aklestad, Anderson, Boylan, Crippen, Dover, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Hager, Hammond, Hazelbaker, Johnson, Keating, Kolstad, Lee, Manley, Manning, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Ryan, Severson, Smith, Stephens, Stimatz, Story, Tveit, Mr. President.
Total 34

Noes: Berg, Blaylock, B. Brown, S. Brown, Conover, Eck, Haffey, Halligan, Healy, Himsl, Jacobson, Mazurek, Regan, Thomas, Towe, Van Valkenburg.
Total 16

Excused: None.
Total 0

Absent or not voting: None.
Total 0

House Bill No. 291 was concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: Ryan.
Total 1

Excused: None.
Total 0

Absent or not voting: None.
Total 0

House Bill No. 466 was concurred in by the following vote:

Ayes: Aklestad, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: Anderson.
Total 1

House Bill No. 481 was concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Dover, Eck, Elliott, Etchart, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Kolstad, Lee, Manning, Mazurek, McCallum, Norman, Ochsner, O'Hara, Olson, Regan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg.
Total 42

Noes: Crippen, Galt, Hafferman, Keating, Manley, Nelson, Ryan, Mr. President.
Total 8

Excused: None.
Total 0

Absent or not voting: None.
Total 0

House Bill No. 545 was concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

House Joint Resolution No. 17 was concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.

Total 0

At the request of the President, and without objection, the Senate reverted to Order of Business No. 2.

REPORTS OF STANDING COMMITTEES

AGRICULTURE, LIVESTOCK AND IRRIGATION (Galt, Chairman):
HB 777, be not concurred in.

Thereupon, the Adverse Committee Report was adopted by the following roll call vote:

Ayes: Aklestad, Anderson, Blaylock, Boylan, Crippen, Dover, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Kolstad, Manley, Manning, McCallum, Ochsner, Olson, Ryan, Severson, Smith, Stephens, Story, Thomas, Tveit, Mr. President.
Total 34

Noes: Berg, B. Brown, S. Brown, Conover, Eck, Lee, Mazurek, Nelson, Norman, O'Hara, Regan, Stimatz, Towe, Van Valkenburg.
Total 14

Excused: None.
Total 0

Absent or not voting: Halligan, Keating.
Total 2

JUDICIARY (Anderson, Chairman):
HB 93, be not concurred in.

Thereupon, the Adverse Committee Report was adopted by the following roll call vote:

Ayes: Aklestad, Anderson, Berg, Boylan, B. Brown, Conover, Crippen, Dover, Elliott, Etchart, Galt, Goodover, Graham, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Johnson, Keating, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Ochsner, O'Hara, Olson, Severson, Smith, Stephens, Story, Thomas, Tveit.
Total 36

Noes: Blaylock, S. Brown, Eck, Hafferman, Haffey, Jacobson, Kolstad, Norman, Regan, Ryan, Stimatz, Towe, Van Valkenburg, Mr. President.
Total 14

Excused: None.
Total 0

Absent or not voting: None.
Total 0

MOTIONS

Senator Mazurek moved that House Bill No. 316 be taken from the Committee on Bills and Journal and be rereferred to the Committee on Judiciary. Motion passed by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Severson,

Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: Ryan.
Total 1

Excused: None.
Total 0

Absent or not voting: None.
Total 0

At the request of the President, and without objection, the Senate reverted to Order of Business No. 2.

REPORTS OF STANDING COMMITTEES

JUDICIARY (Anderson, Chairman):
HB 207, be not concurred in.

Thereupon, the Adverse Committee Report was adopted by the following roll call vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: Elliott.
Total 1

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 317, be not concurred in.

Thereupon, the Adverse Committee Report was adopted by the following roll call vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Keating, Kolstad, Lee, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, Olson, Regan, Severson, Smith, Stephens, Story, Thomas, Towe, Tveit, Mr. President.
Total 44

Noes: Ryan, Stimatz, Van Valkenburg.
Total 3

Excused: Johnson.
Total 1

Absent or not voting: Manley, O'Hara.
Total 2

LEGISLATIVE ADMINISTRATION (Kolstad, Chairman):

Respectfully reports as follows:

That the following attaches of the Senate be terminated as of 5:00 p.m. on Saturday, March 14, 1981:

Robert DeRosia ..... Page
Ken Crippen ..... Page
Kori Herzog ..... Page
Stefani Green ..... Page
Jim Lochridge ..... Page
Cindi Buchanan ..... Page
Terry Keating ..... Page
Kristin Manska ..... Page
Martha Sheehy ..... Page
Janet Muller ..... Page

That the following attaches of the Senate be employed as of 8:00 a.m. on Monday, March 16, 1981:

John Kalbfleisch ..... Page
Katherine Gaffke ..... Page
Barbara Blaylock ..... Page
Jeri Ludwig ..... Page
Kristi Alter ..... Page
Janet Kuchenbrod ..... Page
Jodi Stugelmeyer ..... Page
Julie Schlabs ..... Page

Report adopted.

TAXATION (Goodover, Chairman):
SB 291, introduced bill, be amended as follows:

1. Page 2, line 3.
Following: "years"
Insert: "In no event may the loans interfere with the payments of bonds or warrants. The loan shall be repaid by an assessment as provided by 7-12-2120 if other funds are not available. If there are not sufficient funds in the revolving fund to make the loans without interfering with the payment of bonds or warrants, then the loans may not be made."

And, as so amended, do pass. Report adopted.

AGRICULTURE, LIVESTOCK AND IRRIGATION (Galt, Chairman):
HB 265, third reading copy, be amended as follows:

1. Page 4, line 4.
Strike: "Except as provided in subsection (3), the"
Insert: "The"

2. Page 4, line 12.
Following: "district"
Insert: "(3) A landowner within the proposed district after the initial boundaries have been established may, by petitioning the board of county commissioners have all or a portion of the lands owned by himself removed from consideration for inclusion within the district. This landowner must, however, agree in writing to control rodents on his land within a 250 yard buffer zone of the district boundary."

3. Page 6, line 14.
Following: "action"

Insert: "The order to the landowner may only require that affected lands be treated within a 250 yard buffer zone of the adjacent district lands."

And, as so amended, be concurred in. Report adopted.

BUSINESS AND INDUSTRY (Hazelbaker, Chairman):

HB 106, be concurred in. Report adopted.

HB 238, third reading copy, be amended as follows:

1. Title, line 8.
Following: "MCA;"
Strike: "REPEALING"
Insert: "SUSPENDING THE OPERATION OF"

2. Page 5, lines 7 and 8.
Following: "Section 7."
Strike: remainder of lines 7 and 8
Insert: "Suspension. The operation of Section 32-1-436, MCA, is suspended from the effective date of this act until July 1, 1983."

And, as so amended, be concurred in. Report adopted.

HB 239, third reading copy, be amended as follows:

1. Page 5, line 4.
Following: line 3
Insert: "Section 2. Section 31-1-241, MCA, is amended to read:

"31-1-241. Finance charge limitation. (1) Notwithstanding the provisions of any other law, the finance charge included in a retail installment contract shall not exceed the following schedule:

(a) as to motor vehicles:

(i) class 1—any new motor vehicle designated by the manufacturer by a year model not earlier than the year in which the sale is made, $7 per $100 per year;

(ii) class 2—any new motor vehicle not in class 1 and any used motor vehicle designated by the manufacturer by a year model of the same or not more than 2 years prior to the year in which the sale is made, $9 per $100 per year;

(iii) class 3—any used motor vehicle not in class 2 and designated by the manufacturer by a year model more than 2 years prior to the year in which the sale is made, $11 per $100 per year;

(b) as to any industrial or construction equipment primarily designed for or used in construction, logging, mining, or other industrial business, the price of which is over $5,000, or $9 per $100 per year. This subsection shall not apply to agricultural equipment.

(c) as to any manufactured structure or recreational vehicle, $9 per $100 per year;

(d) as to services and goods other than as provided under subsections (1)(a), (1)(b), and (1)(c) above:

(i) on so much of the principal balance as does not exceed $300, $11 per $100 per year;

(ii) if the principal balance exceeds $300 but is less than $1,000, $9 per $100 per year on that portion over $300;

(iii) if the principal balance exceeds $1,000, $7 per $100 per year on that portion over $1,000.

(2) Such finance charge shall be computed on the principal balance as determined under 31-1-231(5) on contracts payable in successive monthly payments substantially equal in amount from the date of the contract until the maturity of the final installments, notwithstanding that the total time balance thereof is required to be paid in installments. A minimum finance charge of $20 may be charged on any retail installment contract.

(3) When a retail installment contract provides for payment other than in equal successive monthly installments, the finance charge may be a rate which will provide the same yield as is permitted on monthly payment contracts under subsections (1) and (2) hereof, having due regard for the schedule of payments in the contract.

(4) Notwithstanding the provisions of any other law, a retail charge account agreement may provide for and the seller or holder may charge, collect, and receive a finance charge as specified herein for the privilege of paying in installments thereunder. The finance charge may be computed from month to month (which need not be a calendar month) or other regular billing cycle period by applying a rate not to exceed 1 ½% for each such monthly period to an amount (not including any unpaid finance charge) ~~not in excess of the greatest of,~~ by using

~~(a) the average daily balance in the account in the billing cycle period;~~

~~(b)~~ the ending balance of the account as of the last day of the billing cycle less the amount of purchases charged to the account during that billing cycle~~, or~~.

~~(c) the median amount within a $10 range within which such average daily balance or beginning balance falls, provided the seller applies the same rate of finance charge to all such balances within such range.~~

(a) A seller may change the terms of a revolving charge account whether or not the change is authorized by prior agreement. The seller shall give the buyer written notice of any change in the two billing cycles prior to the effective date of the change.

(b) If the retail seller increases his finance charge on a retail charge account agreement, within the permitted ceiling amount, then such increased rate may only be applied to the balance consisting of purchases on other charges incurred on or after the effective date of the increase.

(c) For purposes of determining the balance to which the increased rate applies, all payments may be considered to be applied to the balance existing prior to the change in rate until that balance is paid in full.

(5) If the finance charge so determined pursuant to (4) above for such monthly period is less than 50 cents, a maximum finance charge not in excess of 50 cents may be charged, received, and collected for such period.""

Renumber: subsequent sections

2. Page 6, line 11.

Following: "DATE."
Insert: "(1)"
Following: "ACT"
Insert: ", except as provided in subsection (2),"

3. Page 6, line 13.
Following: line 12
Insert: "(2) Section 2 is effective July 1, 1983"

And, as so amended, be concurred in. Report adopted.

HB 321, be concurred in. Report adopted.

The Committee adopted the following Statement of Intent:

STATEMENT OF INTENT: House Bill No. 321

A statement of intent is required for this bill because it requires the department of business regulation to adopt a rule by April 30 of each even-numbered year, reflecting adjustment of designated dollar amounts according to fluctuations in the consumer price index.

The legislature intends that the amounts be computed as required in [section 9]. The department may adopt a rule for revision of the reference base index in the event that the consumer price index is revised as provided in subsection (3) of [section 9].

First adopted by the Committee on Business and Industry on March 14, 1981.

Report adopted.

HB 409, be concurred in. Report adopted.
HB 492, be concurred in. Report adopted.
HB 510, be concurred in. Report adopted.
HB 625, be concurred in. Report adopted.

FINANCE AND CLAIMS (Himsl, Chairman):
HB 811, third reading copy, be amended as follows:

1. Line 8.
Following: "MCA"
Insert: "; AND PROVIDING AN EFFECTIVE DATE"

2. Page 3, line 3.
Following: line 3
Insert: "Section 5. Effective date. This act is effective on July 1, 1981."

And, as so amended, be concurred in. Report adopted.

HB 811, Statement of Intent be concurred in. Report adopted.

HB 812, be concurred in. Report adopted.

JUDICIARY (Anderson, Chairman):
HB 6, third reading copy, be amended as follows:

1. Page 3, line 22.
Following: "by"
Strike: "THE ATTORNEY GENERAL OR"

2. Page 3, line 23.
Following: "by"
Insert: "the attorney general or"

And, as so amended, be concurred in. Report adopted.

HB 96, third reading copy, be amended as follows:

1. Page 1, line 23.
Following: "property"
Insert: "for less than fair market value"

And, as so amended, be concurred in. Report adopted.

HB 99, be concurred in. Report adopted.

HB 110, third reading copy, be amended as follows:

1. Page 1, line 25.
Following: "of"
Insert: "not less than"
Following: "years"
Insert: "or not more than 10 years"

And, as so amended, be concurred in. Report adopted.

HB 154, be concurred in. Report adopted.
HB 213, be concurred in. Report adopted.
HB 284, be concurred in. Report adopted.

HB 379, third reading copy, be amended as follows:

1. Page 1, line 25 through line 1 on page 2.
Following: ";" on page 1, line 25
Strike: line 25 through "within" on line 1, page 2
Insert: "or"

2. Page 2, line 3.
Following: "violation"
Insert: ", but in no case may the prosecution be commenced more than 10 years after the alleged violation"

And, as so amended, be concurred in. Report adopted.

HB 534, be concurred in. Report adopted.
HB 690, be concurred in. Report adopted.

STATE ADMINISTRATION (Story, Chairman):
HB 630, be concurred in. Report adopted.

MESSAGES FROM THE GOVERNOR

March 16, 1981

The Honorable Jean A. Turnage
President of the Senate
State Capitol Building
Helena, Montana 59620

Dear Mr. President:

This is to inform you that I have signed the following measures this date:

Senate Bill Nos. 24, 38, 90, 143.

Sincerely,

TED SCHWINDEN
Governor

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following Senate Bills were on 3/14/81, concurred in and returned to the Senate:

Senate Bill No. 41, introduced by Hafferman (87-4)

Senate Bill No. 71, introduced by B. Brown (82-9)

Senate Bill No. 119, introduced by Ochsner (92-1)

Senate Bill No. 145, introduced by Hager (93-0)

Senate Bill No. 146, introduced by Hazelbaker (92-1)

Senate Bill No. 151, introduced by Mazurek (93-1)

Senate Bill No. 171, introduced by Towe (93-1)

Senate Bill No. 184, introduced by Hazelbaker (93-0)

Senate Bill No. 211, introduced by Hazelbaker (85-8)

Senate Bill No. 261, introduced by Thomas (81-13)

The following Senate Bills were on 3/14/81, concurred in as amended, and returned to the Senate for concurrence in House Amendments:

Senate Bill No. 15, introduced by Mazurek (83-11)

Senate Bill No. 26, introduced by Norman (91-1)

Senate Bill No. 112, introduced by Tveit (83-11)

Senate Bill No. 178, introduced by Lee (87-5)

The House on 3/14/81, did accede to the request of the Senate for the return of House Bill No. 636, and returned the bill to the Senate for further consideration.

The following House Bill was on 3/14/81, passed and transmitted to the Senate for concurrence:

House Bill No. 776, introduced by Harrington (66-30)

MOTIONS

Upon motion of Senator Stephens, duly carried, the Senate recessed.

Senate recessed at 3:40 p.m.

Senate resumed at 4:19 p.m.

Upon motion of Senator Stephens, duly carried, the Resolutions honoring deceased Senators and the program from the Memorial Service held on Sunday, March 15, will be printed in the Journal for the Fifty-eighth Legislative Day.

The Memorial Service held at 1:30 p.m., March 15, was opened by President Turnage who welcomed Senators and guests.

The Prelude was by Milton Brown followed by the Posting of the Colors of the National Guard and the Pledge of Allegiance. The Opening Prayer was given by Chaplain Keith H. Lokensgard followed by the Congregation singing a hymn ("A Mighty Fortress Is Our God").

President Turnage introduced the following Senators who read the Memorial Resolutions for the past Senators:

Senator Stephens for Senator Angstman
Senator Elliott for Senator Bennett
Senator Olson for Senator Bentz
Senator Hazelbaker for Senator Brenner
Senator Hammond for Senator Edwards
Senator Hazelbaker for Senator Evans
Senator Graham for Senator Hammond
Senator Ochsner for Senator Hatch
Senator Haffey for Senator Keenan
Senator Aklestad for Senator Kellogg
Senator Boylan for Senator Lehrkind
Senator Galt for Senator Rostad
Senator Turnage for Senator Schoonover
Senator Turnage for Senator MacGilvra

The Congregation sang a hymn ("This Is My Father's World"). The Closing Prayer was given by Chaplain Keith H. Lokensgard followed by his singing "The Lord's Prayer". The Recessional was by Milton Brown.

A SENATE MEMORIAL ON THE DEATH OF THE LATE JESS ANGSTMAN SR.

WHEREAS, it is with deep and sincere sorrow that the members of the Senate of the Forty-seventh Legislature of the state of Montana record the passing of former Senator Jess Angstman on October 28, 1979, in Havre, Montana.

WHEREAS, it is fitting and proper that the outstanding record and accomplishments of the late Senator Angstman be filed on the official records of this assembly, the following facts relative to his career are hereby noted:

Senator Jess Angstman was 89 years old. In his early days he was a newspaperman. He devoted over fifty years of his life in service to others as a practitioner of the law. He was a native of Groton, South Dakota.

The late Senator served as a Democratic member of the Senate from 1949-57. He served in the Montana House of Representatives from 1947-48 and 1959-60.

Senator Angstman was Havre City Attorney from 1941-51 and 1963-65. He was a former state president of the Elks and was vice-chairman of the state Board of Public Welfare for eight years. He also held leadership positions in the Lions' International.

He is survived by two sons, Jess L. Angstman and Paul Angstman; two daughters, Ann Arlene Jambor and Mary Jeanne Schwietz.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE OF MONTANA:

That we hereby express our esteem and respect to the memory of the honorable Jess Angstman and extend to the members of his family our sincere sympathy in their great and irreparable loss.

BE IT FURTHER RESOLVED, that a copy of this memorial be entered upon the journal of the Senate of the Forty-seventh Legislature and that original copies of this memorial, signed by the President of the Senate; the members of the appointed Memorial Committee, the Secretary of the Senate of the Forty-seventh Legislature, be transmitted by the Secretary of the Senate to the surviving members of Senator Angstman's family hereinabove designated and that an original copy of this memorial be filed with the Montana Historical Society.

.....
Jean A. Turnage, President of the Senate

.....
John W. Larson, Secretary of the Senate

.....
Stan Stephens, Chairman of the Memorial Committee

.....
Member of the Memorial Committee

.....
Member of the Memorial Committee

A SENATE MEMORIAL ON THE DEATH
OF THE LATE DR. WILLARD FRANKLIN BENNETT

WHEREAS, it is with deep and sincere sorrow that the members of the Senate of the Forty-seventh Legislature of the state of Montana record the passing of former Senator Willard Franklin Bennett on July 20, 1979, in Columbia Falls, Montana.

WHEREAS, it is fitting and proper that the outstanding record and accomplishments of the late Senator Bennett be filed on the official records of this assembly, the following facts relative to his career are hereby noted:

Senator Willard Franklin "Doc" Bennett was born February 11, 1920, in Webster, Kansas, to William and Nellie (Medley) Bennett. He received his early schooling in Kansas and attended the University of Kansas Medical School. He interned as a physician and surgeon in the U.S. Navy, serving in the U.S. Navy Medical Corps for six years.

Senator Bennett and Martha Wayne Cavanah were married in Vallejo, California, on April 2, 1947. He established his medical practice in 1948 in Hungry Horse, and moved it to Columbia Falls in 1953, where he practiced until his retirement in 1978. He was also active in logging in the early 1950's and in cattle ranching until 1975.

The Senator served as a Republican member of the Senate of the Montana Legislature during the 1967, 1969, and 1971 sessions. He served as a Republican member of the House of Representatives of the Montana Legislature in the 1979 session.

Senator Bennett served as mayor of Columbia Falls and was a member of the chambers of commerce in Hungry Horse and Columbia Falls. He served on the boards of directors of the Glacier National Bank and the First Security Bank. He was a former chairman of the District 6 school board.

Senator Bennett was a member of the Methodist Church. He was a member of the Masonic Lodge No. 89 and the Algeria Shrine.

Doc Bennett was an avid outdoorsman and enjoyed the mountains of Western Montana as much as he did the plains of Eastern Montana.

He is survived by his widow, Martha Bennett; and two sons, Steven M. Bennett and Gary W. Bennett, who is presently serving as Republican Representative from Flathead County.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE OF MONTANA:

That we hereby express our esteem and respect to the memory of the honorable Dr. Willard Franklin "Doc" Bennett and extend to the members of his family our sincere sympathy in their great and irreparable loss.

BE IT FURTHER RESOLVED, that a copy of this memorial be entered upon the journal of the Senate of the Forty-seventh Legislature and that original copies of this memorial, signed by the President of the Senate; the members of the appointed Memorial Committee, the Secretary of the Senate of the Forty-seventh Legislature, be transmitted by the Secretary of the Senate to the surviving members of Senator Bennett's family hereinabove designated and that an original copy of this memorial be filed with the Montana Historical Society.

.....	.....
Jean A. Turnage, President of the Senate	Roger H. Elliott, Chairman of the Memorial Committee
.....	.....
John W. Larson, Secretary of the Senate	Member of the Memorial Committee
	.....
	Member of the Memorial Committee

A SENATE MEMORIAL ON THE DEATH OF THE LATE CHRISTIAN C. BENTZ

WHEREAS, it is with deep and sincere sorrow that the members of the Senate of the Forty-seventh Legislature of the state of Montana record the passing of former Senator Christian C. Bentz on January 10, 1981, in Spokane, Washington.

WHEREAS, it is fitting and proper that the outstanding record and accomplishments of the late Senator Bentz be filed on the official records of this assembly, the following facts relative to his career are hereby noted:

Senator Bentz was born in Artas, South Dakota, on December 20, 1891, to Jacob and Margaret Bentz, one of four sons and three daughters. He attended Northern State College at Aberdeen, South Dakota and was graduated from the University of Montana with a degree in law in 1918. He served in the U.S. Naval Reserve following graduation. During his university years Senator Bentz starred in football, basketball, track, and wrestling and also did some boxing. For his athletic and career attainments he was nominated to the Hall of Fame at Northern State College in Aberdeen and was given the Golden Grizzly Award from the University of Montana. In 1917 he was named on Walter Camp's All-Service Football team, which during World War I took the place the All-American team. Senator Bentz was a member of the Grizzly football team which played Syracuse University to a 0-0 tie when that team was rated the Nation's No. 1. He is by many considered among the very greatest athletes in Montana sports history.

Senator Bentz and his wife, Gerda, were married in Aberdeen in 1921. She preceded him in death in 1977.

The late Senator was elected to the Montana State Legislature from Carter County in 1955 and served as Representative and Senator until 1965.

Senator Bentz was in the banking business from 1919 to 1931. He was employed by International Harvester Company before coming to Ekalaka in July of 1946, and purchasing the R. L. Robbins Company, in partnership with the late D. G. Culver. The firm name was changed to Bentz & Culver and Senator Bentz continued in the business until his retirement in 1968.

Senator Bentz was a member of the Independent Order of Odd Fellows and Ancient Free and Accepted Masons, having been initiated into the Masonic Lodge at Timber Lake, South Dakota, April 5, 1922. He was a past master of Ekalaka Lodge No. 120 AF & AM and was awarded the lodge pin in ceremonies conducted by the Ekalaka Lodge for 50 years of membership.

He was a member of the Ekalaka Chamber of Commerce, and he served as a member of the Dahl Memorial Hospital Board of Ekalaka.

He is survived by two daughters, Shirley A. Bentz and Phylis M. Crogan; three sisters, Elizabeth Klinger, Margaret Raines, and Emma Mauser; and numerous nieces and nephews.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE OF MONTANA:

That we hereby express our esteem and respect to the memory of the honorable Christian C. Bentz and extend to the members of his family our sincere sympathy in their great and irreparable loss.

BE IT FURTHER RESOLVED, that a copy of this memorial be entered upon the journal of the Senate of the Forty-seventh Legislature and that original copies of this memorial, signed by the President of the Senate, the members of the appointed Memorial Committee, the Secretary of the Senate of the Forty-seventh Legislature, be transmitted by the Secretary of the Senate to the surviving members of Senator Bentz's family hereinabove designated and that an original copy of this memorial be filed with the Montana Historical Society.

.....	.....
Jean A. Turnage, President of the Senate	Carroll Graham, Chairman of the Memorial Committee
.....	.....
John W. Larson, Secretary of the Senate	Member of the Memorial Committee
	.....
	Member of the Memorial Committee

A SENATE MEMORIAL ON THE DEATH OF THE LATE JOHN S. "JACK" BRENNER

WHEREAS, it is with deep and sincere sorrow that the members of the Senate of the Forty-seventh Legislature of the state of Montana record the passing of former Senator John S. "Jack" Brenner on July 24, 1980, in Dillon, Montana.

WHEREAS, it is fitting and proper that the outstanding record and accomplishments of the late Senator Brenner be filed on the official records of this assembly, the following facts relative to his career are hereby noted:

Senator John S. "Jack" Brenner was born January 2, 1911, in Elgin, Illinois to Hal and Mary Brenner. He was a member of a family that had ranched in the county's Horse Prairie area since 1883. He attended schools in California, Illinois, and Dillon. He graduated from New Mexico Military Institute in Roswell and attended Montana State University. He played college basketball and baseball.

Senator Brenner and Frances Ford, a Virginian, were married on September 6, 1934. They met while she was teaching on Horse Prairie near the Brenner Ranch. He was a Beaverhead County rancher.

The late Senator served as a Republican member of the Senate of the Montana Legislature in the thirty-third through thirty-ninth sessions in 1953-65. He was Senate Minority Leader in 1963. He also served as a member of the Montana House of Representatives in the thirty-first and thirty-second sessions in 1949-51.

Beginning in 1948, Senator Brenner advanced through the offices of the Montana Stockgrowers Association until he became president in 1956. He helped organize the Southwestern Montana Stockgrowers Association and was active in the 1950's in efforts to stamp out brucellosis in cattle.

He served on state and national brucellosis committees and in the 1960's on the National Livestock Sanitary Association. He was a chairman of the Animal Health Committee of the American National Cattlemen's Association for four years. In 1969-1970, he was regional vice-president of the American Cattlemen's Association. He served on the Bureau of Land Management Grazing Allotment Advisory Board, the local Taylor Grazing Board and former Governor Tim Babcock's Montana Air Pollution Board. He was a director of First Northwestern National Bank and a member of the Beaverhead County Tax Appeal Board. In 1969, he was appointed to the commission for determining land values in condemnation suits in connection with the Libby Dam. He was installed in the Stockmen's Hall of Fame in the Northern International Livestock Expedition in 1974.

He is survived by his widow, Frances; one daughter, Elizabeth Brenner-Toutelot; grandchildren, John and Frances Toutelot; and his mother, Mary Kirk.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE OF MONTANA:

That we hereby express our esteem and respect to the memory of the honorable John S. "Jack" Brenner and extend to the members of his family our sincere sympathy in their great and irreparable loss.

BE IT FURTHER RESOLVED, that a copy of this memorial be entered upon the journal of the Senate of the Forty-seventh Legislature and that original copies of this memorial, signed by the President of the Senate, the members of the appointed Memorial Committee, the Secretary of the Senate of the Forty-seventh Legislature, be transmitted by the Secretary of the Senate to the surviving members of Senator Brenner's family hereinabove designated and that an original copy of this memorial be filed with the Montana Historical Society.

.....	.....
Jean A. Turnage, President of the Senate	Frank W. Hazelbaker, Chairman of the Memorial Committee
.....	.....
John W. Larson, Secretary of the Senate	Member of the Memorial Committee
	.....
	Member of the Memorial Committee

A SENATE MEMORIAL ON THE DEATH OF THE LATE LOCHIEL EDWARDS

WHEREAS, it is with deep and sincere sorrow that the members of the Senate of the Forty-seventh Legislature of the state of Montana record the passing of former Senator Lochiel Edwards on December 28, 1980, in Malta, Montana.

WHEREAS, it is fitting and proper that the outstanding record and accomplishments of the late Senator Edwards be filed on the official records of this assembly, the following facts relative to his career are hereby noted:

Senator Lochiel Edwards was born August 23, 1906, in Star City, Indiana, to Mr. and Mrs. Sylvester Edwards and came to Phillips County with his parents in 1917. They homesteaded 20 miles south of Malta in the Button Buttes area. He received his early schooling in Malta, Montana, graduating from Malta High School.

Senator Edwards and Gladys Tieden were married in Lewistown, Montana, on July 7, 1929. He went to work at the Malta Mercantile in 1922 as a sweeper and errand boy. He became manager and later owner of the store in the late 1930's. In 1951 he became president of the Malta Mercantile Corporation.

The late Senator served as a Republican member of the Senate of the Montana Legislature in the thirty-seventy, thirty-eighth, thirty-ninth, and fortieth sessions. He served on the Agriculture, Bills and Journal, Local Government, Finance and Claims, and Fish and Game Committees.

Senator Edwards served as a Councilman and mayor of Malta and also served on the rationery board during World War II. He was past president of the Kiwanis, past president of the Chamber of Commerce, and was past chief of the Malta firemen. He was a member of the Order of the Eastern Star, the Malta Athletic Club, the Lion's Club, and Boy Scout Council. He served as an FFA advisor and was also an avid sportsman.

Senator Edwards was a member of the Malta Lutheran Church. He was a past master of the Malta Masonic Lodge.

He is survived by his widow, Gladys Edwards; one son, William Donald Edwards; three daughters, Sheila Mae Simanton, Ethyl Elaine Koehn, and Lydia Jane Thompson; a brother, Delmar; a sister, Violet Cauffman; an aunt, Mrs. Rosa Potts; twelve grandchildren; and four great-grandchildren.

In all his life as an active businessman and a legislator he was always held in high esteem by anyone who ever dealt with him.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE OF MONTANA:

That we hereby express our esteem and respect to the memory of the honorable Lochiel Edwards and extend to the members of his family our sincere sympathy in their great and irreparable loss.

BE IT FURTHER RESOLVED, that a copy of this memorial be entered upon the journal of the Senate of the Forty-seventh Legislature and that original copies of this memorial, signed by the President of the Senate, the members of the appointed Memorial Committee, the Secretary of the Senate of the Forty-seventh Legislature, be transmitted by the Secretary of the Senate to the surviving members of Senator Edwards' family hereinabove designated and that an original copy of this memorial be filed with the Montana Historical Society.

.....	.....
Jean A. Turnage, President of the Senate	H. W. Hammond, Chairman of the Memorial Committee
.....	.....
John W. Larson, Secretary of the Senate	Member of the Memorial Committee
	.....
	Member of the Memorial Committee

A SENATE MEMORIAL ON THE DEATH OF THE LATE TROY EVANS

WHEREAS, it is with deep and sincere sorrow that the members of the Senate of the Forty-seventh Legislature of the state of Montana record the passing of former Senator Troy Evans on March 26, 1979, in Kalispell, Montana.

WHEREAS, it is fitting and proper that the outstanding record and accomplishments of the late Senator Evans be filed on the official records of this assembly, the following facts relative to his career are hereby noted:

Senator Troy Evans was born January 26, 1898, in Idaho Falls, Idaho. He spent his early years in Bannack. His father was sheriff when Bannack was the territorial capital. He attended schools in Dillon.

Senator Evans and Leone Bush were married in Butte in February 1919.

The late Senator served as a Republican member of the Senate of the Montana Legislature in the thirty-second and thirty-third sessions in 1951 and 1953. He also served as a member of the Montana House of Representatives in the twenty-ninth session in 1945.

Senator Evans was engaged in an office equipment business. He was also active in youth, civic, and governmental activities. He was president of the Alliance Club when they founded the Sunshine Camp, a summer camp for underprivileged children. He coached amateur boxers under Auspices of the Elks for 25 years. He was active in the Amateur Athletic Union and served as its Montana president. He was later appointed to the Montana Boxing Commission, serving as chairman and as executive secretary. He was also a boxing referee. In 1954 Senator Evans moved to Helena as deputy director of the Federal Bond Sales for the Treasury Department until retiring in 1967. In 1978 he moved to Kalispell.

He was a member of the Elks Lodge for over 43 years and was made an honorary life member in the BPOE No. 240 in Butte in 1967 and had served as Exalted Ruler.

He is survived by his widow, Leone Evans; two sons, Jay T. and Leo B.; twelve grandchildren; ten great-grandchildren; a sister, Mrs. Tom Bolitho; and numerous nieces and nephews.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE OF MONTANA:

That we hereby express our esteem and respect to the memory of the honorable Troy Evans and extend to the members of his family our sincere sympathy in their great and irreparable loss.

BE IT FURTHER RESOLVED, that a copy of this memorial be entered upon the journal of the Senate of the Forty-seventh Legislature and that

original copies of this memorial, signed by the President of the Senate, the members of the appointed Memorial Committee, the Secretary of the Senate of the Forty-seventh Legislature, be transmitted by the Secretary of the Senate to the surviving members of Senator Evans' family hereinabove designated and that an original copy of this memorial be filed with the Montana Historical Society.

.....	.....
Jean A. Turnage, President of the Senate	Frank W. Hazelbaker, Chairman of the Memorial Committee
.....	.....
John W. Larson, Secretary of the Senate	Member of the Memorial Committee
	.....
	Member of the Memorial Committee

A SENATE MEMORIAL ON THE DEATH OF THE LATE W. L. HAMMOND

WHEREAS, it is with deep and sincere sorrow that the members of the Senate of the Forty-seventh Legislature of the state of Montana record the passing of former Senator W. L. Hammond on July 30, 1979, in Billings, Montana.

WHEREAS, it is fitting and proper that the outstanding record and accomplishments of the late Senator Hammond be filed on the official records of this assembly, the following facts relative to his career are hereby noted:

Senator W. L. Hammond was born June 26, 1897, in Fayett, Missouri, and came to Bismarck, North Dakota, in 1900 and to Beach at the age of 16.

Senator Hammond and Pearl Higby were married in Wibaux, Montana, on August 4, 1923. He fought overseas in World War I and returned to Carlyle, Montana, where he operated a grocery store there for many years, selling anything the area needed. His store at Carlyle offered the latest in Whippet cars and John Deere machinery. In 1944 he built a new implement company in Beach, North Dakota, and in 1945 he purchased the Wibaux Auto and Machinery Company. In 1945 he also purchased the H. B. Lovell Implement in Beach, North Dakota. In 1947 he remodeled the old Lovell Implement building into a supermarket. In 1977 he sold the Beach Implement and retired to Billings, Montana.

The late Senator served as a Democratic member of the Senate of the Montana Legislature from 1934 until 1946.

Senator Hammond was elected Department Commander of the Veterans of Foreign Wars in 1949. He served on the Wibaux and Carlyle School Boards and was a member of the Elks Lodge. He was a member of the Shrine Temple and Masonic Lodge.

He is survived by his widow, Pearl Hammond; three daughters, Mrs. Frank Begger, Mrs. Don Anderson, and Mrs. Lyle Pierce; a sister, Pauline Mitchell; and a niece, Frances Gaither.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE OF MONTANA:

That we hereby express our esteem and respect to the memory of the honorable W. L. Hammond and extend to the members of his family our sincere sympathy in their great and irreparable loss.

BE IT FURTHER RESOLVED, that a copy of this memorial be entered upon the journal of the Senate of the Forty-seventh Legislature and that original copies of this memorial, signed by the President of the Senate, the members of the appointed Memorial Committee, the Secretary of the Senate of the Forty-seventh Legislature, be transmitted by the Secretary of the Senate to the surviving members of Senator Hammond's family hereinabove designated and that an original copy of this memorial be filed with the Montana Historical Society.

.....	.....
Jean A. Turnage, President of the Senate	S. A. Olson, Chairman of the Memorial Committee
.....	.....
John W. Larson, Secretary of the Senate	Member of the Memorial Committee
	.....
	Member of the Memorial Committee

A SENATE MEMORIAL ON THE DEATH OF THE LATE CHARLES M. HATCH

WHEREAS, it is with deep and sincere sorrow that the members of the Senate of the Forty-seventh Legislature of the state of Montana record the passing of former Senator Charles M. Hatch on February 23, 1981, in Miles City, Montana.

WHEREAS, it is fitting and proper that the outstanding record and accomplishments of the late Senator Hatch be filed on the official records of this assembly, the following facts relative to his career are hereby noted:

Senator Charles M. Hatch was born September 6, 1899, in Floris, Iowa. He came to Custer County in 1902 as a small child. He was a rancher-farmer before becoming a Miles City businessman.

Senator Hatch enlisted in the U.S. Army on August 9, 1918, and was in the Quartermasters' Corps attached to the remount station at Fort Keogh until his discharge on January 13, 1919. He enlisted in the medical detachment of the Montana Infantry Detachment 163 of the National Guard and was commissioned as a second lieutenant in 1930.

Senator Hatch and Lyda Nugent were married in Hardin on December 19, 1932.

The late Senator served as a Republican member of the Senate of the Montana Legislature in the thirty-third and thirty-fourth sessions in 1953-55. While in the Senate he was vice-chairman of the Military Affairs committee.

He was owner-manager of the Studebaker and Packard automobile agency and dealt in farm machinery and conducted a realty business simultaneously. After he sold the vehicle business he continued to run the Hatch Agency until his final illness. He was a past state president of the Montana Automobile Dealers' Association.

Senator Hatch was one of the charter members of American Legion Post No. 5 and served a total of 62 years, being its adjutant in 1941-42; post

commander in 1946; district commander in 1950, and department vice-commander in 1953. He was a charter member and past president of the Last Man's Club; the Chief de Gare of the 40 et 8 Voiture 52.

He organized and was president of the Eastern Montana Reserve Officers' Association and state chaplain for the group when it expanded.

He was past president of the Miles City Chamber of Commerce and headed the local unit of the American Red Cross for many years.

He was a member of the Moose, Eagles, and Elks fraternal orders. Senator Hatch was most proud of the part he played in helping to make the land available for the construction of the VA Hospital in Miles City and he worked with the group organized to keep it when it was threatened by a federal cutback. He was also one of the prime movers in getting drivers' education in Montana schools.

Senator Hatch was honored recently as a 55-year member of the First Presbyterian Church of Miles City. He was a member of the Masonic Lodge, the Shrine Club, and the Eastern Star.

He is survived by his widow, Lyda Hatch; one daughter, Mrs. Wana Edwards; one brother, John; eleven grandchildren; and thirteen great-grandchildren. He was preceded in death by a son, Ralph, in 1975.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE OF MONTANA:

That we hereby express our esteem and respect to the memory of the honorable Charles M. Hatch and extend to the members of his family our sincere sympathy in their great and irreparable loss.

BE IT FURTHER RESOLVED, that a copy of this memorial be entered upon the journal of the Senate of the Forty-seventh Legislature and that original copies of this memorial, signed by the President of the Senate, the members of the appointed Memorial Committee, the Secretary of the Senate of the Forty-seventh Legislature, be transmitted by the Secretary of the Senate to the surviving members of Senator Hatch's family hereinabove designated and that an original copy of this memorial be filed with the Montana Historical Society.

.....	.....
Jean A. Turnage, President of the Senate	J. Donald Ochsner, Chairman of the Memorial Committee
.....	.....
John W. Larson, Secretary of the Senate	Member of the Memorial Committee
	.....
	Member of the Memorial Committee

A SENATE MEMORIAL ON THE DEATH OF THE LATE PATRICK JOHN "SQUEEK" KEENAN

WHEREAS, it is with deep and sincere sorrow that the members of the Senate of the Forty-seventh Legislature of the state of Montana record the passing of former Senator Patrick John Keenan on September 14, 1979, in Bozeman, Montana.

WHEREAS, it is fitting and proper that the outstanding record and accomplishments of the late Senator Keenan be filed on the official records of this assembly, the following facts relative to his career are here by noted:

Senator Patrick John Keenan was born October 12, 1912, in Butte. Of Irish descent, his parents migrated from Ireland and his father passed away when "Squeek" was 3 years old. He, with two brothers, spent 3 years in an orphanage in Helena until their mother remarried. He attended St. Peter's Grade and High School and Mount Angels College in Oregon.

Senator Keenan and Anne E. Vanisko were married in Anaconda on June 22, 1940. He was first a boilermaker and later an accountant for the Anaconda Company.

The late Senator served as a Democratic member of the Senate of the Montana Legislature from 1965 through 1974. He served on the Constitutional Elections and Federal Elections and Fish and Game Committees and was Vice-Chairman of the Bills Committee. He was also President Pro tem of the Senate in 1974, the 43rd Legislative Session.

Senator Keenan served as Recreational Director of the City of Anaconda, was on the Local School Board, and Alderman for the 6th Ward. He was Recording Secretary of the Ancient Order of Hibernians. He received the 1980 Memorial Award by the Anaconda Chamber of Commerce and was Honorary Chief of the Blackfoot Tribe.

Senator Keenan was a member of the Roman Catholic Church. He was District and State Deputy of Knights of Columbus 882. He also held most offices in the Knights of Columbus and also for the Ancient Order of Hibernians.

He is survived by his widow, Anne Keenan; four daughters, Colleen D'Arcy, Marianne Mackay, Kathy Swanson, and Nancy Keenan; one son, Tom Keenan. He was preceded in death by two brothers, Thomas Charles and William Keenan.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE OF MONTANA:

That we hereby express our esteem and respect to the memory of the honorable Patrick John "Squeek" Keenan and extend to the members of his family our sincere sympathy in their great and irreparable loss.

BE IT FURTHER RESOLVED, that a copy of this memorial be entered upon the journal of the Senate of the Forty-seventh Legislature and that original copies of this memorial, signed by the President of the Senate, the members of the appointed Memorial Committee, the Secretary of the Senate of the Forty-seventh Legislature, be transmitted by the Secretary of the Senate to the surviving members of Senator Keenan's family hereinabove designated and that an original copy of this memorial be filed with the Montana Historical Society.

.....	.....
Jean A. Turnage, President of the Senate	Jack Haffey, Chairman of the Memorial Committee
.....	.....
John W. Larson, Secretary of the Senate	Member of the Memorial Committee
	.....
	Member of the Memorial Committee

A SENATE MEMORIAL ON THE DEATH OF THE LATE GLEN C. KELLOGG

WHEREAS, it is with deep and sincere sorrow that the members of the Senate of the Forty-seventh Legislature of the state of Montana record the

passing of former Senator Glen C. Kellogg on November 11, 1980, in Conrad, Montana.

WHEREAS, it is fitting and proper that the outstanding record and accomplishments of the late Senator Kellogg be filed on the official records of this assembly, the following facts relative to his career are hereby noted:

Senator Glen C. Kellogg was born October 6, 1896, in Pullman, Washington. He attended schools there and as a young man studied music at Washington State College at Pullman, Washington. He was a farmer and businessman, In 1942 he purchased the Oliver Tractor and Studebaker Automobile Agency in Conrad and operated it until his retirement in 1961.

Senator Kellogg and Eula Snider were married in 1919 in Great Falls. She preceded him in death in 1962. He married Fern Emerick in Great Falls in 1962. She preceded him in death in 1976.

The late Senator served as a Republican member of the Senate of the Montana Legislature from 1945 - 1948 and also served in the House of Representatives in 1939 and 1940.

Senator Kellogg had been very active in community affairs, and for many years served the North Central Council of the Boy Scouts of America, and later received the Silver Beaver Award in recognition of his services. He had been a Past President of the Montana Hardware Dealers' Association and the Conrad Lions' Club.

Senator Kellogg was a member of the Presbyterian Church. He was a member of Conrad Lodge #80 AF & AM, Al Bedoo Temple of the Mystic Shrine in Billings and several other Masonic bodies.

He is survived by two daughters, Helen McKinley and Marie Wormsbecker; four sons, Charles, Richard, Jack and Gary; a half-sister, Annette Meinhart; two step-daughters, Virginia Emerick and Betty MacGilvra; nineteen grandchildren and twenty-seven great-grandchildren.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE OF MONTANA:

That we hereby express our esteem and respect to the memory of the honorable Glen C. Kellogg and extend to the members of his family our sincere sympathy in their great and irreparable loss.

BE IT FURTHER RESOLVED, that a copy of this memorial be entered upon the journal of the Senate of the Forty-seventh Legislature and that original copies of this memorial, signed by the President of the Senate, the members of the appointed Memorial Committee, the Secretary of the Senate of the Forty-seventh Legislature, be transmitted by the Secretary of the Senate to the surviving members of Senator Kellogg's family hereinabove designated and that an original copy of this memorial be filed with the Montana Historical Society.

.....	.....
Jean A. Turnage, President of the Senate	Gary C. Aklestad, Chairman of the Memorial Committee
.....	.....
John W. Larson, Secretary of the Senate	Member of the Memorial Committee
	.....
	Member of the Memorial Committee

A SENATE MEMORIAL ON THE DEATH OF THE LATE CARL LEHRKIND, JR.

WHEREAS, it is with deep and sincere sorrow that the members of the Senate of the Forty-seventh Legislature of the state of Montana record the passing of former Senator Carl Lehrkind, Jr., on April 20, 1980, in Bozeman, Montana.

WHEREAS, it is fitting and proper that the outstanding record and accomplishments of the late Senator Lehrkind be filed on the official records of this assembly, the following facts relative to his career are hereby noted:

Senator Carl Lehrkind, Jr., was born September 10, 1906, in Bozeman, Montana to Carl and Helen Lehrkind, Sr. He attended grade school in Livingston, graduated from high school in Bozeman in 1924, and graduated from the University of Montana in 1929.

Senator Lehrkind and Margaret Thompson were married in Cando, North Dakota on September 8, 1937. He was the proprietor of Lehrkind's Coca Cola Company.

The late Senator served as a Democratic member of the Senate of the Montana Legislature from 1949 until 1959. He also was a member of the Montana House of Representatives from 1937 to 1945. He then became a Republican and again served in the State Senate from 1961 to 1969. His father, Carl Lehrkind, Sr., served in the Montana House of Representatives as a Democrat from Park County in 1909.

Senator Lehrkind was president of the Gallatin County Young Democrats in 1935. He served as a trustee of the Bozeman School Board from 1941 to 1943, a member of the Gallatin County High School Board from 1950 to 1954, and a member of the Bozeman Deaconess Hospital Board from 1962 to 1966. He also was on the board of the Montana Public Welfare Department from 1952 to 1956. Senator Lehrkind served as the State Finance Chairman of the Republican Party from 1969 to 1970.

Senator Lehrkind was a member of the Episcopal Church. He was a member of Bozeman Lodge No. 18 A.F. & A.M. Scottish Rite Bodies of Livingston, Baghdad Shrine of Butte, and a member of the Jesters organization in the Shrine. He was also past exalted ruler of the Bozeman Elks.

He is survived by his widow, Margaret Lehrkind; three sons, Carl, Harry (Tom), and Robert H.; two sisters, Mrs. Joseph (Gretchen) Uhlrich, Mrs. Frank (Eloise) Howard; and six grandchildren.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE OF MONTANA:

That we hereby express our esteem and respect to the memory of the honorable Carl Lehrkind, Jr., and extend to the members of his family our sincere sympathy in their great and irreparable loss.

BE IT FURTHER RESOLVED, that a copy of this memorial be entered upon the journal of the Senate of the Forty-seventh Legislature and that original copies of this memorial, signed by the President of the Senate, the members of the appointed Memorial Committee, the Secretary of the Senate of the Forty-seventh Legislature, be transmitted by the Secretary of the Senate to the surviving members of Senator Lehrkind's family hereinabove designated and that an original copy of this memorial be filed with the Montana Historical Society.

.....
Jean A. Turnage, President of the Senate

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Paul F. Boylan, Chairman of the Memorial Committee

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John W. Larson, Secretary of the Senate

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Member of the Memorial Committee

.....
Member of the Memorial Committee

A SENATE MEMORIAL ON THE DEATH
OF THE LATE E. E. "BOO" MACGILVRA

WHEREAS, it is with deep and sincere sorrow that the members of the Senate of the Forty-seventh Legislature of the state of Montana record the passing of former Senator E. E. "Boo" MacGilvra on March 3, 1980, in Butte, Montana.

WHEREAS, it is fitting and proper that the outstanding record and accomplishments of the late Senator MacGilvra be filed on the official records of this assembly, the following facts relative to his career are hereby noted:

Senator E. E. "Boo" MacGilvra was born in 1893 on a ranch near Baraboo, Wisconsin, from which he got his nickname. Everett Edwards MacGilvra attended grade school there and high school in Menomonie, Wisconsin. For several summers as a boy he was a companion of Richard Ringling, only child of Alf Ringling, one of the five brothers who founded the famed circus. The boys traveled with the circus, providing much background for his stories. Senator MacGilvra never lost his love for the circus and accompanied it, as a Ringling guest, to Minnesota from Butte when he was 70.

He first saw Montana as a University of Minnesota student on tour with a group of fraternity brothers. He won a degree in animal husbandry at Minnesota and lived the rest of his life, except for World War I, in Montana. Before World War I, he was in the mining business near Zortman in the Little Rockies, then homesteaded, ranched and was in a mercantile business. After the war, in which he was an infantryman, he returned to that area and moved to Polson in 1930 where he was in the theater and ranching business. He was active in fostering commercial production of sweet cherries around Flathead Lake.

For many years he owned one of the largest herds of Shetland ponies in the United States, and he once owned a Shetland ranch five miles south of Butte.

Senator MacGilvra and Edna Poitras of Butte were married in Missoula on July 1, 1944.

The late Senator served as a Republican member of the Senate of the Montana Legislature in the twenty-third and twenty-fourth sessions in 1933-35.

A retired public relations executive and lobbyist at Montana Power Company, he had been a Butte resident since 1935. He joined the company after serving as assistant state director of the Federal Emergency Relief Administration, Civilian Conservation Corps and Public Works Adminis tration in 1933 and 1934.

A man of many interests and abilities, Senator MacGilvra was a renowned storyteller, mostly about his personal experiences.

He helped organize the American Legion and the Forty and Eight in Montana. He was awarded a 60-year Legion pin, and received his 50-year pin in the Masonic order several years ago. He was a co-founder of the World Museum of Mining in Butte and the Montana Heritage Foundation in Helena, a four-time president of the Montana Historical Society and a director and past president of the Lewis and Clark Trail Heritage Foundation. He was an authority on the Lewis and Clark Expedition.

Senator MacGilvra was a member of the Masons, Elks and Navy League in Butte, the Montanan Club in Helena, the American Shetland Pony Club, the Montana Stockgrowers' Association, Butte Country Club, Butte Exchange Club and the Town Club. He helped found the Pony of the Americas Club.

Many historical acquisitions at the state museum in Helena were the result of his efforts. He was instrumental in obtaining the silver service of the cruiser USS Helena. He also was active in getting exhibits for the World Museum of Mining.

He is survived by his widow, Edna MacGilvra.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE OF MONTANA:

That we hereby express our esteem and respect to the memory of the honorable E. E. "Boo" MacGilvra and extend to the members of his family our sincere sympathy in their great and irreparable loss.

BE IT FURTHER RESOLVED, that a copy of this memorial be entered upon the journal of the Senate of the Forty-seventh Legislature and that original copies of this memorial, signed by the President of the Senate, the members of the appointed Memorial Committee, the Secretary of the Senate of the Forty-seventh Legislature, be transmitted by the Secretary of the Senate to the surviving members of Senator MacGilvra's family hereinabove designated and that an original copy of this memorial be filed with the Montana Historical Society.

.....	.....
Jean A. Turnage, President of the Senate	Jean A. Turnage, Chairman of the Memorial Committee
.....	.....
John W. Larson, Secretary of the Senate	Member of the Memorial Committee
	.....
	Member of the Memorial Committee

A SENATE MEMORIAL ON THE DEATH OF THE LATE CARL ROSTAD

WHEREAS, it is with deep and sincere sorrow that the members of the Senate of the Forty-seventh Legislature of the state of Montana record the passing of former Senator Carl Rostad on September 12, 1979, in White Sulphur Springs, Montana.

WHEREAS, it is fitting and proper that the outstanding record and accomplishments of the late Senator Rostad be filed on the official records of this assembly, the following facts relative to his career are hereby noted:

Senator Carl Rostad was born June 26, 1907 in Lennep, Montana, to Olaf and Marie Rostad, pioneer residents of the Lennep area. He attended grade and high school in Lennep, Montana, and Montana State College in Bozeman where he was a member of the Sigma Chi fraternity.

Senator Rostad and Helen Lepley were married in Billings on January 24, 1939. They ranched together in Lennep.

The late Senator served as a Republican member of the Senate of the Montana Legislature from 1961 to 1973. He served on the Legislative Council from 1961-1965 and served on the Salary Commission from 1973-1979.

Mr. Rostad was a Meagher County Commissioner from 1950 to 1960. He was a member of the National Cattlemen's Association, the NCA Marketing Committee, the Montana Stockgrowers' Association; and the Meagher County Stockgrowers' Association. In 1977 the Meagher County Stockgrowers honored him for outstanding service to the livestock industry. In 1973 he was awarded the award for the Grand Champion Steer of the Year Club by the Montana State University Athletic Association Steer a Year Club.

Senator Rostad was a member of the Trinity Lutheran Church. He was a member of AlBedo Shrine, and Masonic Lodge No. 7, A.F. & A.M.

He is survived by his widow, Helen Rostad; a nephew, Phil Rostad; three nieces, Mrs. Betty Hoem, Mrs. Dora Wolfe, and Mrs. Karen Brown; three grand-nephews; and six grand-nieces.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE OF MONTANA:

That we hereby express our esteem and respect to the memory of the honorable Carl Rostad and extend to the members of his family our sincere sympathy in their great and irreparable loss.

BE IT FURTHER RESOLVED, that a copy of this memorial be entered upon the journal of the Senate of the Forty-seventh Legislature and that original copies of this memorial, signed by the President of the Senate, the members of the appointed Memorial Committee, the Secretary of the Senate of the Forty-seventh Legislature, be transmitted by the Secretary of the Senate to the surviving members of Senator Rostad's family hereinabove designated and that an original copy of this memorial be filed with the Montana Historical Society.

.....	.....
Jean A. Turnage, President of the Senate	Jack E. Galt, Chairman of the Memorial Committee
.....	.....
John W. Larson, Secretary of the Senate	Member of the Memorial Committee
	.....
	Member of the Memorial Committee

A SENATE MEMORIAL ON THE DEATH OF THE LATE LELAND H. SCHOONOVER

WHEREAS, it is with deep and sincere sorrow that the members of the Senate of the Forty-seventh Legislature of the state of Montana record th

passing of former Senator Leland H. Schoonover on June 9, 1979, in Polson, Montana.

WHEREAS, it is fitting and proper that the outstanding record and accomplishments of the late Senator Schoonover be filed on the official records of this assembly, the following facts relative to his career are hereby noted:

Senator Leland H. Schoonover was born June 16, 1909, in Philipsburg, Montana. His parents came to Montana from Illinois in 1886 and operated a dairy in Philipsburg until homesteading in the Moiese Valley in 1911. He had a Master's Degree plus graduate work in Education and was a high school teacher for thirty-five years. He was the first Drivers' Training teacher in the Polson schools. Senator Schoonover was an honorably discharged veteran of World War II.

Senator Schoonover and Marion Dorothy Daugherty were married in Ronan, on November 29, 1933.

The late Senator served as a Democratic member of the Senate of the Montana Legislature in the thirty-seventh and thirty-eighth sessions in 1961 and 1963. He also served as a member of the Montana House of Representatives in the forty-first and forty-second sessions in 1969 and 1971. His father, James S. Schoonover, served in the Montana House of Representatives from Granite County in 1905.

Senator Schoonover was the recipient of the Governor's Award in 1966 as the year's Outstanding Conservationist in Montana. He was named "Chief Big Eagle" and made an honorary member of the Kootenai Tribe and presented with a handmade beaded buckskin suit by the Tribe. In 1950 he took his local boy scout troup to Valley Forge, Pennsylvania to the International Boy Scout Jamboree. A new laboratory at the University Biological Station at Yellow Bay is being completed and given the name "The Leland Schoonover Fresh Water Laboratory". The Station is a branch of Montana State University.

Senator Schoonover was a member of the Presbyterian Church. He was a Past Master of the Masonic Lodge and a charter member of the Polson Lion's Club. He was also a member of the Elks Club.

He is survived by his widow, Marion Schoonover; two daughters, Joann Schoonover Sagmiller and Carol Schoonover Plouffe; seven grandchildren; and numerous nephews and nieces.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE OF MONTANA:

That we hereby express our esteem and respect to the memory of the honorable Leland H. Schoonover and extend to the members of his family our sincere sympathy in their great and irreparable loss.

BE IT FURTHER RESOLVED, that a copy of this memorial be entered upon the journal of the Senate of the Forty-seventh Legislature and that original copies of this memorial, signed by the President of the Senate, the members of the appointed Memorial Committee, the Secretary of the Senate of the Forty-seventh Legislature, be transmitted by the Secretary of the Senate to the surviving members of Senator Schoonover's family hereinabove designated and that an original copy of this memorial be filed with the Montana Historical Society.

.....
Jean A. Turnage, President of the Senate

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Jean A. Turnage, Chairman of the Memorial Committee

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John W. Larson, Secretary of the Senate

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Member of the Memorial Committee

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Member of the Memorial Committee

Senator S. Brown moved that the Senate reconsider its action taken on indefinitely postponing Senate Bill No. 42 and that it be printed and placed on Second Reading. Motion carried by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Galt, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Keating, Kolstad, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Severson, Smith Stimatz, Thomas, Towe, Tveit, Van Valkenburg.
Total 41

Noes: Boylan, Etchart, Goodover, Lee, Manley, Ryan, Stephens, Story, Mr. President.
Total 9

Excused: None.
Total 0

Absent or not voting: None.
Total 0

(Including the following pairs: Healy, aye - Story, no; Smith, aye - Manley, no; Jacobson, aye - Etchart, no; Stimatz, aye - Stephens, no.)

FIRST READING OF BILLS

The following House bill was introduced, read first time and referred to committee:

HB 776, introduced by Harrington, Menahan, Daily, Pavlovich, Stimatz, Quilici, Kanduch, D. Brown, McBride, Huennekens, Conroy, Fabrega, J. Jacobson, Haffey, Healy, Towe. Referred to Committee on Finance and Claims.

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Tveit in the Chair.

Senate resumed. President Turnage in the Chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on Second Reading, recommend as follows:

That Senate Bill No. 102 be amended. Motion failed by the following vote:

Ayes: Berg, Blaylock, S. Brown, Conover, Dover, Eck, Haffey, Hager, Halligan, Lee, Regan, Ryan, Thomas, Towe, Tveit, Van Valkenburg.
Total 16

Noes: Aklestad, Anderson, Boylan, B. Brown, Crippen, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Hammond, Hazelbaker, Himsl, Johnson, Keating, Kolstad, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Severson, Stephens, Story, Mr. President.
Total 28

Excused: Healy, Jacobson, Stimatz.
Total 3

Absent or not voting: Manley, Manning, Smith.
Total 3

That Senate Bill No. 102 pass consideration. Motion failed by the following vote:

Ayes: Berg, Blaylock, Boylan, S. Brown, Conover, Eck, Graham, Haffey, Mazurek, Regan, Ryan, Story, Towe, Van Valkenburg.
Total 14

Noes: Aklestad, Anderson, B. Brown, Crippen, Dover, Elliott, Etchart, Galt, Goodover, Hafferman, Hager, Hammond, Hazelbaker, Himsl, Johnson, Keating, Kolstad, Lee, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Severson, Stephens, Tveit, Mr. President.
Total 28

Excused: Healy, Jacobson, Stimatz.
Total 3

Absent or not voting: Halligan, Manley, Manning, Smith, Thomas.
Total 5

That Senate Bill No. 102 do pass by the following vote:

Ayes: Aklestad, Anderson, Boylan, B. Brown, S. Brown, Crippen, Eck, Elliott, Etchart, Goodover, Hafferman, Haffey, Hager, Hazelbaker, Himsl, Johnson, Kolstad, Lee, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Ryan, Severson, Stephens, Thomas, Towe, Tveit, Van Valkenburg.
Total 33

Noes: Berg, Blaylock, Conover, Dover, Galt, Graham, Hammond, Keating, Regan, Story, Mr. President.
Total 11

Excused: Healy, Jacobson, Stimatz.
Total 3

Absent or not voting: Halligan, Manley, Smith.
Total 3

That House Bill No. 225 be amended as follows:

1. Page 2, line 7.
Following: "members"
Insert: "of each house"

2. Page 2, lines 13 through 15.
Following: "mail"
Strike: the remainder of line 13 through "veto" on line 15
Insert: "and shall send each member a copy of the governor's veto message"

3. Page 2, line 15.
Following: "members"

Insert: "of each house"

Amendments passed by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

That House Bill No. 225, as amended, be concurred in by the following vote:

Ayes: Aklestad, Anderson, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Hager, Hammond, Hazelbaker, Himsl, Johnson, Keating, Kolstad, Lee, Manning, Mazurek, McCallum, Nelson, Ochsner, O'Hara, Olson, Ryan, Severson, Stephens, Story, Thomas, Tveit, Mr. President.
Total 36

Noes: Berg, Blaylock, Eck, Haffey, Norman, Regan, Towe, Van Valkenburg.
Total 8

Excused: Healy, Jacobson, Stimatz.
Total 3

Absent or not voting: Halligan, Manley, Smith.
Total 3

That House Bill No. 732 be concurred in. Motion failed by the following vote:

Ayes: Anderson, Berg, Blaylock, S. Brown, B. Brown, Eck, Haffey, Halligan, Mazurek, Norman, Regan, Stephens, Towe, Van Valkenburg.
Total 14

Noes: Aklestad, Boylan, Crippen, Dover, Elliott, Etchart, Galt, Goodover, Graham Hafferman, Hager, Hammond, Hazelbaker, Himsl, Johnson, Keating, Kolstad, Lee, Manning, McCallum, Nelson, Ochnser, O'Hara, Olson, Ryan, Severson, Story, Thomas, Tveit.
Total 29

Excused: Healy, Jacobson, Stimatz.
Total 3

Absent or not voting: Conover, Manley, Smith, Mr. President.
Total 4

That House Bill No. 732 be indefinitely postponed. Motion carried by the following vote:

Ayes: Aklestad, Anderson, Boylan, Crippen, Dover, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Hammond, Hazelbaker, Himsl, Johnson, Keating, Kolstad, Lee, Manning, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Severson, Story, Thomas, Tveit, Mr. President.
Total 30

Noes: Berg, Blaylock, B. Brown, S. Brown, Eck, Haffey, Hager, Halligan, Mazurek, Regan, Stephens, Towe, Van Valkenburg.
Total 13

Excused: Healy, Jacobson, Stimatz.
Total 3

Absent or not voting: Conover, Manley, Ryan, Smith.
Total 4

That House Joint Resolution No. 16 pass consideration. Unanimously passed.

That Senate Bill No. 457 pass consideration. Unanimously passed.

That House Bill No. 685 be concurred in by the following vote:

Ayes: Anderson, Berg, Blaylock, B. Brown, Conover, Crippen, Eck, Elliott, Etchart, Galt, Haffey, Hager, Hammond, Johnson, Keating, Lee, Manning, Mazurek, Nelson, Norman, Ryan, Story, Tveit, Van Valkenburg.
Total 24

Noes: Aklestad, Boylan, S. Brown, Goodover, Hafferman, Hazelbaker, Himsl, Kolstad, McCallum, Ochsner, O'Hara, Olson, Regan, Severson, Stephens, Towe.
Total 16

Excused: Healy, Jacobson, Stimatz.
Total 3

Absent or not voting: Dover, Graham, Halligan, Manley, Smith, Thomas, Mr. President.
Total 7

That House Bill No. 38 be amended as follows:

That the following amendment of the Senate Standing Committee on State Administration be amended as follows:

1. Page 3, line 8.
Following:"REQUIRED"
Insert: "unless requested under 2-4-302(4) prior to the effective date of the rule"

And further, that the following amendments be made to the bill:

1. Page 3, line 7.
Following: "incorporation"
Insert: ", which effective date may be no sooner than 30 days after the date upon which the notice is issued."

2. Page 3.
Following: line 10
Insert: "(6) If a hearing is requested under subsection (5), the agency shall comply with the requirements for a hearing contained in 2-4-302(4) and (5) and may adopt the rule only in accordance with 2-4-305."

Amendments passed by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: S. Brown.
Total 1

Excused: None.
Total 0

Absent or not voting: None.
Total 0

That House Bill No. 38, as amended, be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: S. Brown, Lee.
Total 2

Excused: None.
Total 0

Absent or not voting: None.
Total 0

That House Bill No. 74 be concurred in by the following vote:

Ayes: Aklestad, Berg, Boylan, B. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 46

Noes: Anderson, S. Brown, Hazelbaker, Nelson.
Total 4

Excused: None.
Total 0

Absent or not voting: None.
Total 0

That House Bill No. 285 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek,

McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Senator Tveit relinquished the Chair.

Senator Etchart assumed the Chair.

That House Bill No. 299 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Boylan, Conover, Crippen, Elliott, Galt, Goodover, Graham, Hafferman, Haffey, Hammond, Hazelbaker, Himsl, Johnson, Keating, Kolstad, Manning, Mazurek, McCallum, Ochsner, Ryan, Severson, Story, Thomas, Towe, Tveit.
Total 27

Noes: Berg, Blaylock, B. Brown, S. Brown, Dover, Eck, Hager, Nelson, Norman, Olson, Regan, Van Valkenburg.
Total 12

Excused: Healy, Jacobson, Stimatz.
Total 3

Absent or not voting: Etchart, Halligan, Lee, Manley, O'Hara, Smith, Stephens, Mr. President.
Total 8

That House Bill No. 389 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

That House Bill No. 449 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan,

Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

That House Bill No. 495 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Boylan, B. Brown, Conover, Crippen, Dover, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Hager, Hammond, Hazelbaker, Himsl, Johnson, Keating, Kolstad, Lee, Mazurek, McCallum, Nelson, Olson, Severson, Stephens, Story, Thomas.
Total 29

Noes: Berg, Blaylock, S. Brown, Eck, Haffey, Manning, Regan, Towe, Van Valkenburg.
Total 9

Excused: Healy, Jacobson, Stimatz.
Total 3

Absent or not voting: Halligan, Manley, Norman, Ochsner, O'Hara, Ryan, Smith, Tveit, Mr. President.
Total 9

That House Bill No. 522 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Senator Etchart relinquished the Chair.

Senator Tveit assumed the Chair.

That the Committee rise and report. (Tveit, Chairman)

Upon motion of Senator Tveit, duly carried, the foregoing Report of the Committee of the Whole was adopted.

At the request of the President, and without objection, the Senate reverted to Order of Business No. 2.

REPORTS OF STANDING COMMITTEES

BILLS (O'Hara, Chairman):

Correctly enrolled - SB 3, SB 54, SB 204, SB 299, SB 406, SB 440. Report adopted.

I have examined Senate Bill No. 3 introduced by me and find the same to be correct. (Norman)

I have examined Senate Bill No. 54 introduced by me and find the same to be correct. (B. Brown)

I have examined Senate Bill No. 204 introduced by me and find the same to be correct. (S. Brown)

I have examined Senate Bill No. 299 introduced by me and find the same to be correct. (Ryan)

I have examined Senate Bill No. 406 introduced by me and find the same to be correct. (Himsl)

I have examined Senate Bill No. 440 introduced by me and find the same to be correct. (McCallum)

The Senate will please take note that the President did, at the hour of 4:00 p.m, 3/16/81, sign the following bills:
SB 3, SB 54, SB 204, SB 299, SB 406, SB 440, HB 269, HB 342, HB 505, HB 508, HB 509, HB 610.

Jean A. Turnage
President

The Senate will please take note that the President did, at the hour of 5:00 p.m., 3/16/81, sign the following bills:
HB 14, HB 20, HB 30, HB 256, HB 306, HB 639, HJR 6.

Jean A. Turnage
President

Upon motion of Senator Stephens, duly carried, the Senate adjourned at 6:53 p.m. until Tuesday, March 17, at the hour of 3:00 p.m.

JEAN A. TURNAGE
President of the Senate

JOHN W. LARSON
Secretary of the Senate

FIFTY-NINTH LEGISLATIVE DAY

Helena, Montana
March 17, 1981

Senate Chambers
Capitol Building

Senate convened at 3:00 p.m., President Pro Tempore Kolstad presiding. Invocation by the Chaplain. Pledge of Allegiance to the Flag.

Roll call. All members present. Quorum present.

Mr. President: We, your Committee on Bills and Journal, having examined the daily journal for the Fifty-eighth Legislative Day, find the same to be correct.

O'HARA, Chairman

REPORTS OF STANDING COMMITTEES

AGRICULTURE, LIVESTOCK AND IRRIGATION (Galt, Chairman):
HB 740, third reading copy, be amended as follows:

1. Page 1, line 18.
Following: "(a)"
Strike: "conduct and"

2. Page 4.
Following: line 18
Insert: "(4) The beef production research account may be assessed costs by the department for services it provides in administering [this act]. The costs charged must have a substantial relationship to the cost of the services provided.

(5) Money received under [this act] and deposited in the beef production research account may be used only for the purposes of [this act] and, except as provided in [section 6] may not be appropriated for any other use."

3. Page 4, line 20.
Following: "from"
Strike: "July"
Insert: "January"

4. Page 4, line 21.
Strike: "1981, to July"
Insert: "1982, to January"

5. Page 4, line 22.
Following: "beyond"
Strike: "July"
Insert: "January"

And, as so amended, be concurred in. Report adopted.

BUSINESS AND INDUSTRY (Hazelbaker, Chairman):
HB 550, third reading copy, be amended as follows:

1. Title, line 5.
Following: "~~$40,000;~~"
Insert: "INCREASING THE EXEMPTION TO $40,000;"

2. Page 2, line 19.
Following: "~~$40,000~~"
Strike: "$20,000"

Insert: "$40,000"

And, as so amended, be concurred in. Report adopted.

HB 702, third reading copy, be amended as follows:

1. Page 2, lines 10 and 11.
Following: "therefor;"
Strike: remainder of line 10 through "THAT" on line 11
Insert: "if"

And, as so amended, be concurred in. Report adopted.

EDUCATION AND CULTURAL RESOURCES (B. Brown, Chairman):
HB 15, be concurred in. Report adopted.
HB 35, be concurred in. Report adopted.

HB 367, third reading copy, be amended as follows:

1. Page 2, line 7.
Following: "TRUSTEES"
Strike: "BELIEVE"
Insert: "of a school district believes"

2. Page 2, line 8.
Following: "[ACTS]"
Strike: "THEY"
Insert: ", the board"

3. Page 2, line 9.
Following: "THE"
Strike: "STATE"

4. Page 2, line 12.
Following: "THE"
Strike: "STATE"

5. Page 2, line 13.
Following: "THE"
Strike: "STATE"

6. Page 2, line 16.
Following: line 15
Strike: "SIGNIFICANT"
Insert: "substantial"
Following: "DISTRICT"
Insert: "that cannot be readily absorbed as provided in subsection (5)"

And, as so amended, be concurred in. Report adopted.

HB 463, third reading copy, be amended as follows:

1. Line 15.
Following: "firearms"
Insert: "in accordance with policies established by the board of regents"

And, as so amended, be concurred in. Report adopted.

HB 819, third reading copy, be amended as follows:

1. Title, lines 4 and 5.
Following: "REMOVE"
Strike: "CONTRACTED AUDIOLOGICAL SERVICES FROM"

Insert: "THE REQUIREMENT THAT"

2. Title, line 6.
Following: "INSTRUCTION"
Insert: "MUST CONTRACT DIRECTLY WITH LOCAL SCHOOL DISTRICTS OR COOPERATIVES FOR THE DELIVERY OF AUDIOLOGICAL SERVICES"

3. Page 3, line 4.
Following: "education"
Insert: ";

(13) contracting for the delivery of audiological services to those children allowed by Montana law in accordance with policies of the board of public education"

And, as so amended, be concurred in. Report adopted.

HIGHWAYS AND TRANSPORTATION (Etchart, Chairman):
HB 748, be concurred in. Report adopted.
HB 749, be concurred in. Report adopted.

HB 749, Statement of Intent be concurred in. Report adopted.

JUDICIARY (Anderson, Chairman):
HB 396, be concurred in. Report adopted.
HB 535, be concurred in. Report adopted.
HB 537, be concurred in. Report adopted.

HB 621, third reading copy, be amended as follows:

1. Page 20, line 10.
Following: "(2)"
Strike: "may"
Insert: "shall"

2. Page 20, line 12.
Following: "prosecution"
Strike: "may"
Insert: "shall"

And, as so amended, be concurred in. Report adopted.

NATURAL RESOURCES (Dover, Chairman):
HB 607, third reading copy, be amended as follows:

1. Page 3, line 4.
Following: "~~granted~~"
Strike: "THE"

And, as so amended, be concurred in. Report adopted.

Statement of Intent, HB 642, third reading copy, be amended as follows:

1. Page 1, lines 16 through 20.
Following: "(HE)"
Strike: "Protection" through "silage" on lines 16 through 20

And, as so amended, be concurred in. Report adopted.

HB 642, be concurred in. Report adopted.

STATE ADMINISTRATION (Story, Chairman):
HB 573, third reading copy, be amended as follows:

1. Page 1, line 21.

Following: "reduced"
Insert: "as follows: (a)"

2. Page 1, line 22.
Following: "~~which~~"
Strike: "during the first 60 months that"
Insert: "up to a maximum of 60 months by which"

3. Page 1, line 25.
Following: "service"
Insert: ";"
Following: "and"
Insert: "(b)"

4. Page 2, line 1.
Following: "months"
Strike: "during the last 60 months"
Insert: "in excess of the 60 months in subsection (2)(a) but not to exceed 60 additional months"

And, as so amended, be concurred in. Report adopted.

HB 684, third reading copy, be amended as follows:

1. Title, line 7.
Following: "VEHICLES;"
Insert: "AND TO REMOVE DUPLICATE LICENSING OF NEW MOTOR VEHICLE DEALERS;"

2. Title, line 8.
Following: "MCA"
Insert: "; REPEALING SECTION 61-4-211, MCA"

3. Page 4.
Following: line 7
Insert: "Section 3. Section 61-4-202, MCA, is amended to read:

"61-4-202. License requirements. (1) No new motor vehicle dealer, manufacturer, distributor, factory branch, or distributor branch may engage in business in Montana except in accordance with the requirements of this part. The provisions of this part do not apply to a public officer engaged in the discharge of his official duties or to a trustee, receiver, or other officer acting under the jurisdiction of a court; to financial institutions disposing of repossessed vehicles; or to a person disposing of his personal vehicle. The provisions of this part regulating and licensing new motor vehicle dealers, manufacturers, distributors, factory branches, distributor branches, and franchisors apply only to those new motor vehicle dealers, manufacturers, distributors, factory branches, distributor branches, and franchisors of motor vehicles as defined by this part.

(2) A ~~new motor vehicle dealer or a~~ manufacturer, distributor, factory branch, distributor branch, importer, or franchisor transacting business within Montana by offering, selling, trading, consigning, or otherwise transferring a new motor vehicle to a new motor vehicle dealer must be licensed by the state of Montana. The department shall issue licenses to qualified applicants upon receipt of a license fee in the amount of $15 accompanied by the information required in this section.

(3) The following information, if applicable, shall be submitted by an applicant upon forms supplied by the department:

(a) the name and address of the applicant;

(b) the make and model of each new motor vehicle to be franchised;

(c) the name and address of each of the applicant's franchisees within the state; and

(d) the name and address of each factory branch, distributor branch, agent, or representative within the state.

(4) The license may be renewed each year if the applicant is in compliance with the provisions of this part, remits a renewal fee in the amount of $15, and notifies the department of any changes in the information previously supplied.

(5) No new motor vehicle may be sold in this state unless either the manufacturer on direct dealership of domestic vehicles, the importer of foreign manufactured vehicles on direct dealership, or the distributor on indirect dealerships of either domestic or foreign vehicles is licensed as provided in this part. Notwithstanding any other licensing provision contained in Montana law, every new motor vehicle dealer must ~~also~~ obtain a license under ~~this part~~ part 1 of this chapter. The obtaining of a license under this part or Part 1 conclusively establishes that a new motor vehicle dealer, manufacturer, distributor, or importer is subject to the laws of this state regulating new motor vehicle dealers, manufacturers, importers, and distributors."

Section 4. Repealer. Section 61-4-211, MCA, is repealed."

And, as so amended, be concurred in. Report adopted.

TAXATION (Goodover, Chairman):
HB 112, be concurred in. Report adopted.
HB 176, be concurred in. Report adopted.
HB 411, be concurred in. Report adopted.
HB 435, be concurred in. Report adopted.
HB 462, be concurred in. Report adopted.
HB 525, be concurred in. Report adopted.
HB 528, be concurred in. Report adopted.
HB 635, be concurred in. Report adopted.

HIGHWAYS AND TRANSPORTATION (Etchart, Chairman):
HJR 19, be concurred in. Report adopted.

NATURAL RESOURCES (Dover, Chairman):
HJR 22, be concurred in. Report adopted.

MESSAGES FROM THE GOVERNOR

March 16, 1981

The Honorable Jean A. Turnage
President of the Senate
State Capitol
Helena, Montana 59620

Dear Mr. President

This is to inform you that I have signed the following measures this date:

Senate Bill Nos. 11, 39, 46, 63, 91, 75, 307, 158.

Sincerely,

TED SCHWINDEN
Governor

March 16, 1981

The Honorable Jean Turnage
President, Montana State Senate
State Capitol
Helena, Montana 59620

Dear President Turnage:

This letter is to inform you that I have appointed Carolyn E. Morrison, 131 13th Avenue South, Lewistown, Montana, to the Montana Salary Commission in accordance with Section 2-16-401.

Morrison is a Republican from the Second Congressional District and replaces Elinor Jean LeBar. She will serve a term ending March 10, 1985.

Sincerely,

TED SCHWINDEN
Governor

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

Senate Bill No. 96 was passed by the following vote:

Ayes: Aklestad, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: Anderson, Severson.
Total 2

Senate Bill No. 382 was passed by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Senate Joint Resolution No. 23 was passed by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: Manley.
Total 1

Excused: None.
Total 0

Absent or not voting: None.
Total 0

House Bill No. 351 was concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

House Bill No. 390 was concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Mr. President.
Total 49

Noes: Van Valkenburg.
Total 1

Excused: None.
Total 0

Absent or not voting: None.

Total 0

House Bill No. 407 was concurred in by the following vote:

Ayes: Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Eck, Elliott, Etchart, Goodover, Graham, Haffey, Hager, Halligan, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manning, Mazurek, Ochsner, O'Hara, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg.
Total 39

Noes: Aklestad, Dover, Galt, Hafferman, Hammond, Manley, McCallum, Nelson, Norman, Olson, Mr. President.
Total 11

Excused: None.
Total 0

Absent or not voting: None.
Total 0

House Bill No. 502 was concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: Ryan.
Total 1

Excused: None.
Total 0

Absent or not voting: None.
Total 0

At the request of the President Pro Tempore, and without objection, the Senate reverted to Order of Business No. 8.

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Haffey in the Chair.

Senate resumed. President Pro Tempore Kolstad in the Chair.

Mr. President Pro Tempore: We, your Committee of the Whole, having had under consideration business on Second Reading, recommend as follows:

That House Joint Resolution No. 16 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Ochsner, O'Hara, Olson, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.

Total 46

Noes: Blaylock, Halligan, Norman, Regan.
Total 4

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Senator Haffey relinquished the Chair.

Senator Etchart assumed the Chair.

That Senate Bill No. 457 be amended. Motion failed by the following vote:

Ayes: Aklestad, Berg, Blaylock, B. Brown, S. Brown, Conover, Eck, Elliott, Goodover, Graham, Hager, Hazelbaker, Johnson, McCallum, Regan, Smith, Towe, Tveit, Mr. President.
Total 19

Noes: Anderson, Boylan, Crippen, Dover, Etchart, Galt, Hafferman, Haffey, Halligan, Hammond, Healy, Himsl, Jacobson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, Nelson, Norman, Ochsner, O'Hara, Olson, Ryan, Severson, Stephens, Stimatz, Story, Thomas, Van Valkenburg.
Total 31

Excused: None.
Total 0

Absent or not voting: None.
Total 0

That Senate Bill No. 457 be amended as follows:

1. Title, line 9.
Following: "OF"
Strike: "ELEMENTARY OR"

2. Page 1, line 24.
Following: "of"
Strike: "elementary or"

3. Page 2, line 24.
Following: "of"
Strike: "elementary or"

Amendments passed by the following vote:

Ayes: Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Dover, Eck, Elliott, Etchart, Goodover, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Manley, Manning, Mazurek, Nelson, Norman, Olson, Regan, Smith, Stimatz, Story, Towe, Tveit, Van Valkenburg.
Total 32

Noes: Crippen, Galt, Hafferman, Johnson, Keating, Kolstad, Lee, McCallum, Ochsner, Ryan, Severson, Stephens.
Total 12

Excused: None.
Total 0

Absent or not voting: Aklestad, Conover, Graham, O'Hara, Thomas, Mr. President.
Total 6

That Senate Bill No. 457 be amended. Motion failed by the following vote:

Ayes: Aklestad, Berg, Blaylock, B. Brown, Conover, Eck, Elliott, Goodover, Hager, Johnson, Mazurek, McCallum, Ochsner, Ryan, Smith, Stephens, Towe, Tveit, Mr. President.
Total 19

Noes: Anderson, Boylan, S. Brown, Crippen, Dover, Etchart, Galt, Graham, Hafferman, Haffey, Halligan, Hammond, Healy, Himsl, Jacobson, Keating, Kolstad, Lee, Manley, Manning, Nelson, Norman, O'Hara, Olson, Regan, Severson, Stimatz, Story, Thomas, Van Valkenburg.
Total 30

Excused: None.
Total 0

Absent or not voting: Hazelbaker.
Total 1

That Senate Bill No. 457 be amended as follows:

1. Page 2, line 11.
Following: "year of"
Strike: "$500"
Insert: "$100"

Amendment passed by the following vote:

Ayes: Aklestad, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Dover, Eck, Elliott, Goodover, Graham, Haffey, Hager, Halligan, Hazelbaker, Healy, Jacobson, Manley, Mazurek, Nelson, Norman, Ochsner, Regan, Severson, Smith, Stimatz, Towe, Tveit, Van Valkenburg.
Total 30

Noes: Anderson, Crippen, Etchart, Galt, Hafferman, Hammond, Himsl, Keating, Kolstad, Lee, Manning, O'Hara, Olson, Ryan, Stephens, Story, Thomas.
Total 17

Excused: None.
Total 0

Absent or not voting: Johnson, McCallum, Mr. President.
Total 3

That Senate Bill No. 457, as amended, do pass by the following vote:

Ayes: Anderson, Boylan, S. Brown, Crippen, Dover, Etchart, Galt, Hafferman, Haffey, Halligan, Healy, Himsl, Jacobson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, Norman, O'Hara, Ryan, Severson, Stephens, Stimatz, Story, Thomas, Towe, Van Valkenburg.
Total 29

Noes: Aklestad, Berg, Blaylock, B. Brown, Conover, Eck, Elliott, Goodover, Graham, Hager, Hammond, Hazelbaker, Johnson, McCallum, Nelson, Ochsner, Olson, Regan, Smith, Tveit, Mr. President.
Total 21

Excused: None.

Total 0

Absent or not voting: None.
Total 0

That House Bill No. 596, without objection, be placed at the bottom of the board.

Senator Etchart relinquished the Chair.

Senator Haffey assumed the Chair.

That House Bill No. 618 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Ryan, Severson, Smith, Stephens, Stimatz, Thomas, Tveit, Van Valkenburg, Mr. President.
Total 45

Noes: Blaylock, Eck, Regan, Story, Towe.
Total 5

Excused: None.
Total 0

Absent or not voting: None.
Total 0

That House Bill No. 632 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

That House Bill No. 637 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

That House Bill No. 725 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: S. Brown, Galt.
Total 2

Excused: None.
Total 0

Absent or not voting: None.
Total 0

That House Amendments to Senate Bill No. 58 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

That House Amendments to Senate Bill No. 72 be not concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

That House Amendments to Senate Bill No. 78 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

That House Amendments to Senate Bill No. 85 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

That House Amendments to Senate Bill No. 117 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.

Total 0

That House Amendments to Senate Bill No. 125 be concurred in. Motion failed by the following vote:

Ayes: Anderson, Dover, Galt, Himsl, Manley, Severson.
Total 6

Noes: Aklestad, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Eck, Etchart, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Jacobson, Johnson, Keating, Kolstad, Lee, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Smith, Stephens, Stimatz, Story, Towe, Tveit, Van Valkenburg.
Total 40

Excused: None.
Total 0

Absent or not voting: Elliott, Ryan, Thomas, Mr. President.
Total 4

That House Amendments to Senate Bill No. 125 be not concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Eck, Elliott, Etchart, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: Dover, Galt.
Total 2

Excused: None.
Total 0

Absent or not voting: None.
Total 0

That House Amendments to Senate Bill No. 127 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

That House Amendments to Senate Bill No. 264 be concurred in by the following vote:

Ayes: Berg, Blaylock, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Graham, Hafferman, Haffey, Hager, Halligan, Hazelbaker, Healy, Himsl, Jacobson, Manley, Manning, Mazurek, Norman, Ochsner, Regan, Severson, Stimatz, Story, Towe, Van Valkenburg.
Total 28

Noes: Aklestad, Anderson, Elliott, Etchart, Galt, Goodover, Hammond, Keating, Kolstad, Lee, O'Hara, Olson, Smith, Stephens, Tveit.
Total 15

Excused: None.
Total 0

Absent or not voting: Boylan, Johnson, McCallum, Nelson, Ryan, Thomas, Mr. President.
Total 7

That House Amendments to Senate Bill No. 281 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

That House Amendments to Senate Bill No. 394 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

That the Committee rise and report. (Haffey, Chairman)

Upon motion of Senator Haffey, duly carried, the foregoing Report of the Committee of the Whole was adopted.

At the request of Senator Stephens, and without objection, the Senate reverted to Order of Business No. 6.

MOTIONS

Senator Eck moved that the Senate reconsider its action taken on the adoption of an Adverse Committee Report on House Bill No. 777 and that it be placed on Second Reading. Motion failed by the following vote:

Ayes: Anderson, Berg, Blaylock, B. Brown, S. Brown, Eck, Haffey, Halligan, Healy, Jacobson, Manning, Mazurek, Norman, O'Hara, Regan, Stimatz, Towe, Tveit, Van Valkenburg.
Total 19

Noes: Aklestad, Boylan, Dover, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Hager, Hammond, Hazelbaker, Himsl, Keating, Kolstad, Lee, Manley, McCallum, Nelson, Ochsner, Olson, Severson, Smith, Stephens, Story, Mr. President.
Total 26

Excused: None.
Total 0

Absent or not voting: Conover, Crippen, Johnson, Ryan, Thomas.
Total 5

Senator Mazurek moved that the Senate reconsider its action taken on indefinitely postponing House Bill No. 732 on March 17, 1981, and that it be printed and placed on Second Reading. Motion carried by the following vote:

Ayes: Anderson, Berg, Blaylock, B. Brown, S. Brown, Conover, Crippen, Eck, Elliott, Goodover, Haffey, Hager, Halligan, Hazelbaker, Healy, Himsl, Jacobson, Keating, Kolstad, Mazurek, Norman, Regan, Stephens, Stimatz, Story, Towe, Van Valkenburg, Mr. President.
Total 28

Noes: Aklestad, Boylan, Dover, Etchart, Galt, Graham, Hafferman, Hammond, Lee, Manley, McCallum, Nelson, Ochsner, O'Hara, Olson, Severson, Smith, Tveit.
Total 18

Excused: None.
Total 0

Absent or not voting: Johnson, Manning, Ryan, Thomas.
Total 4

Senator Mazurek moved that House Bill No. 732 be returned to the House and placed on Second Reading. Motion carried by the following vote:

Ayes: Anderson, Berg, Blaylock, B. Brown, S. Brown, Conover, Crippen, Eck, Elliott, Goodover, Haffey, Hager, Halligan, Hazelbaker, Healy, Himsl, Jacobson, Kolstad, Mazurek, Norman, Regan, Severson, Smith, Stimatz, Towe, Van Valkenburg, Mr. President.
Total 27

Noes: Aklestad, Boylan, Dover, Etchart, Galt, Graham, Hafferman, Hammond, Manley, McCallum, Nelson, Ochsner, O'Hara, Olson, Story, Tveit.

Total 16

Excused: None.
Total 0

Absent or not voting: Johnson, Keating, Lee, Manning, Ryan, Stephens, Thomas.
Total 7

Upon motion of Senator Stephens, duly carried, that the President be authorized to appoint a Free Conference Committee of three to meet with a like Committee from the House to confer on House Amendments to Senate Bill No. 72.

The President appointed the following committee:

Senator Galt, Chairman
Senator Hafferman
Senator Hazelbaker

Upon motion of Senator Stephens, duly carried, that the President be authorized to appoint a Joint Conference Committee of three to meet with a like Committee from the House to confer on House Amendments to Senate Bill No. 125.

The President appointed the following committee:

Senator Hammond, Chairman
Senator Galt
Senator Mazurek

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Haffey in the Chair.

Senate resumed. President Pro Tempore Kolstad in the Chair.

Mr. President Pro Tempore: We, your Committee of the Whole, having had under consideration business on Second Reading, recommend as follows:

That Senate Bill No. 322 do pass by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

That House Bill No. 95 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham

Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: Hafferman.
Total 1

Excused: None.
Total 0

Absent or not voting: None.
Total 0

That House Bill No. 99 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

That House Bill No. 154 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

That House Bill No. 172 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan,

Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

That House Bill No. 213 pass consideration. Motion carried by the following vote:

Ayes: Anderson, Berg, Blaylock, S. Brown, Eck, Elliott, Etchart, Hafferman, Haffey, Healy, Himsl, Jacobson, Manning, Mazurek, Regan, Stimatz, Towe, Van Valkenburg, Mr. President.
Total 19

Noes: Aklestad, B. Brown, Dover, Galt, Goodover, Hager, Hammond, Hazelbaker, Kolstad, Lee, Manley, O'Hara, Olson, Smith, Stephens, Story, Tveit.
Total 17

Excused: None.
Total 0

Absent or not voting: Boylan, Conover, Crippen, Graham, Halligan, Johnson, Keating, McCallum, Nelson, Norman, Ochsner, Ryan, Severson, Thomas.
Total 14

That the amendments of the Standing Committee on Judiciary be amended as follows:

3. "(c) misdemeanors resulting from a finding of a lesser included offense in a felony case"

Amendment passed by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

That House Bill No. 215, as amended, be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham

Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

That House Bill No. 237 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Eck, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: Dover, Elliott.
Total 2

Excused: None.
Total 0

Absent or not voting: None.
Total 0

That the Committee rise and report. (Haffey, Chairman)

Upon motion of Senator Haffey, duly carried, the foregoing Report of the Committee of the Whole was adopted.

At the request of the President Pro Tempore, and without objection, the Senate reverted to Order of Business No. 2.

REPORTS OF STANDING COMMITTEES

BILLS (O'Hara, Chairman):
Correctly engrossed - SB 102. Report adopted.

PRINTING (O'Hara, Chairman):
Correctly printed and placed on the members' desks - SB 291. Report adopted.

BILLS (O'Hara, Chairman):
Correctly enrolled - SB 29, SB 34, SB 36, SB 41, SB 119, SB 145, SB 146, SB 151, SB 171, SB 184, SB 211, SB 261. Report adopted.

I have examined Senate Bill No. 29 introduced by me and find the same to be correct. (Hager)

I have examined Senate Bill No. 34 introduced by me and find the same to be correct. (S. Brown)

I have examined Senate Bill No. 36 introduced by me and find the same to be correct. (Goodover)

I have examined Senate Bill No. 41 introduced by me and find the same to be correct. (Hafferman)

I have examined Senate Bill No. 119 introduced by me and find the same to be correct. (Ochsner)

I have examined Senate Bill No. 145 introduced by me and find the same to be correct. (Hager)

I have examined Senate Bill No. 171 introduced by me and find the same to be correct. (Towe)

I have examined Senate Bill No. 184 introduced by me and find the same to be correct. (Hazelbaker)

I have examined Senate Bill No. 211 introduced by me and find the same to be correct. (Hazelbaker)

I have examined Senate Bill No. 146 introduced by me and find the same to be correct. (Hazelbaker)

I have examined Senate Bill No. 151 introduced by me and find the same to be correct. (Mazurek)

I have examined Senate Bill No. 261 introduced by me and find the same to be correct. (Thomas)

The Senate will please take note that the President did, at the hour of 4:30 p.m., 3/17/81, sign the following bills:
SB 34, SB 36, SB 41, SB 29, SB 119, SB 145, SB 146, SB 151, SB 171, SB 184, SB 211, SB 261.

Jean A. Turnage
President

Signed by the Speaker of the House and President of the Senate, 3/17/81, at the hour of 4:10 p.m., delivered to the Governor for his approval - SB 3, SB 54, SB 204, SB 299, SB 406, SB 440. Report adopted.

Upon motion of Senator Stephens, duly carried, the Senate adjourned at 6:54 p.m. until Wednesday, March 18, at the hour of 3:00 p.m.

ALLEN C. KOLSTAD
President Pro Tempore of the Senate

JOHN W. LARSON
Secretary of the Senate

SIXTIETH LEGISLATIVE DAY

Helena, Montana
March 18, 1981

Senate Chambers
Capitol Building

Senate convened at 3:00 p.m., President Turnage presiding. Invocation by the Chaplain. Pledge of Allegiance to the Flag.

Roll call. All members present except Stephens, Towe, excused. Quorum present.

Mr. President: We, your Committee on Bills and Journal, having examined the daily journal for the Fifty-ninth Legislative Day, find the same to be correct.

O'HARA, Chairman

REPORTS OF STANDING COMMITTEES

The Senate will please take note that the President did, at the hour of 11:45 a.m., 3/18/81, sign the following bills:

SB 71, SB 103, SB 459, HB 54, HB 55 HB 79, HB 107, HB 141, HB 195, HB 247, HB 272, HB 277, HB 283, HB 353, HB 421, HB 450, HB 677, HB 696, HB 750, HJR 30.

Jean A. Turnage
President

BILLS (O'Hara, Chairman):

Correctly engrossed - SB 322, SB 457. Report adopted.

Correctly enrolled - SB 71, SB 103, SB 459. Report adopted.

Signed by the Speaker of the House and President of the Senate, 3/18/81, at the hour of 10:45 a.m., delivered to the Governor for his approval SB 29, SB 34, SB 36, SB 41, SB 119, SB 145, SB 146, SB 151, SB 171, SB 184, SB 211, SB 261. Report adopted.

I have examined Senate Bill No. 459 introduced by me and find the same to be correct. (E. Smith)

I have examined Senate Bill No. 103 introduced by me and find the same to be correct. (E. Smith)

I have examined Senate Bill No. 71 introduced by me and find the same to be correct. (B. Brown)

FINANCE AND CLAIMS (Himsl, Chairman):

SJR 24, introduced bill, be amended as follows:

1. Page 1, lines 13 and 14.
Following: "have"
Strike: "formally recognized the"
Insert: "supported the development of magnetohydrodynamics (MHD), recognizing its"

2. Page 1, lines 14 and 15.
Following: "potential"
Strike: "of magnetohydrodynamics (MHD) power generation"

3. Page 1, line 18.
Following: "successful"
Strike: "completion"
Insert: "development"

4. Page 1, line 22.
Following: "Montana"
Insert: ", allowing longer utilization of coal reserves"

5. Page 2, line 6.
Following: "President"
Strike: "Reagan's budget officials have"
Insert: "Reagan"

6. Page 2, line 7.
Following: "announced"
Strike: "tentative"

7. Page 2, line 10.
Following: "capital"
Insert: "or other technical resources"

8. Page 2, lines 13 and 14.
Following: "a"
Strike: "colossal"
Following: "the"
Strike: "financial, human, and other"

9. Page 2, line 15.
Following: line 14
Strike: "project"
Insert: "technology"
Following: "completion"
Strike: "; and"

10. Page 2, lines 16 through 19.
Strike: these lines in their entirety

11. Page 3, line 2.
Following: "that"
Insert: "work toward"

And, as so amended, do pass. Report adopted.

AGRICULTURE, LIVESTOCK AND IRRIGATION (Galt, Chairman):
HB 667, be concurred in. Report adopted.

BUSINESS AND INDUSTRY (Hazelbaker, Chairman):
HB 257, be concurred in. Report adopted.
HB 706, be concurred in. Report adopted.

FINANCE AND CLAIMS (Himsl, Chairman):
HB 69, be concurred in. Report adopted.
HB 833, be concurred in. Report adopted.

JUDICIARY (Anderson, Chairman):
HB 711, be concurred in. Report adopted.

LABOR AND EMPLOYMENT RELATIONS (Nelson, Chairman):
HB 430, be concurred in. Report adopted.

LOCAL GOVERNMENT (McCallum, Chairman):
HB 192, be concurred in. Report adopted.
HB 473, be concurred in. Report adopted.
HB 643, be concurred in. Report adopted.
HB 661, be concurred in. Report adopted.
HB 693, be concurred in. Report adopted.
HB 712, be concurred in. Report adopted.

STATE ADMINISTRATION (Story, Chairman):
HB 98, be concurred in. Report adopted.
HB 147, be concurred in. Report adopted.

HB 270, third reading copy, be amended as follows:

1. Title, line 6.
Following: "EXPENSES"
Insert: "OF"

And, as so amended, be concurred in. Report adopted.

HB 302, be concurred in. Report adopted.
HB 584, be concurred in. Report adopted.
HB 657, be concurred in. Report adopted.

TAXATION (Goodover, Chairman):
HB 540, be concurred in. Report adopted.

HB 763, third reading copy, be amended as follows:

1. Page 2, line 11.
Following: "city"
Insert: "services and special improvement district"

2. Page 2, line 11.
Following: "assessments"
Insert: "collected by the county"

3. Page 2, line 17.
Following: line 16
Insert: "(3) The municipality shall, upon request of the county treasurer, provide the information to be included under subsection (2)(d) ready for mailing."
Renumber: subsequent subsection

And, as so amended, be concurred in. Report adopted.

BUSINESS AND INDUSTRY (Hazelbaker, Chairman):
HB 720, be not concurred in.

Thereupon, the Adverse Committee Report was adopted by the following roll call vote:

Ayes: Aklestad, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, Olson, Regan, Ryan, Severson, Smith, Stimatz, Story, Tveit, Van Valkenburg, Mr. President.
Total 39

Noes: Anderson, Crippen, Dover, Lee, O'Hara.
Total 5

Excused: Stephens, Towe.
Total 2

Absent or not voting: Hammond, Keating, Kolstad, Thomas.
Total 4

JUDICIARY (Anderson, Chairman):
HB 208, be not concurred in.

Thereupon, the Adverse Committee Report was adopted by the following roll call vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, B. Brown, Conover, Crippen, Dover, Elliott, Etchart, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Johnson, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Severson, Smith, Tveit, Van Valkenburg, Mr. President.
Total 36

Noes: Boylan, S. Brown, Eck, Hafferman, Jacobson, Regan, Ryan, Stimatz, Story, Thomas.
Total 10

Excused: Stephens, Towe.
Total 2

Absent or not voting: Keating, Kolstad.
Total 2

Majority Report

HB 626, third reading copy, be amended as follows:

1. Title, line 9.
Following: "FOR"
Strike: "A NONELECTED"
Insert: "AN"

2. Page 2, line 25 through line 1 on page 3.
Following: "is" on line 25
Insert: "exclusively"
Following: "liable" on line 25
Strike: remainder of line 25 through "agent," on line 1, page 3
Insert: "for damages in a civil action and no cause of action lies against its employee or agent"

3. Page 3, lines 6 through 11.
Strike: subsection (3) in its entirety
Renumber: subsequent subsections

4. Page 3, line 15.
Following: "law"
Insert: "or uses deception or subterfuge in securing a warrant"

5. Page 3, line 17.
Following: "(5)"
Strike: "A nonelected"
Insert: "An agent or"

6. Page 3, lines 20 through 22.
Following: "." on line 20
Strike: remainder of lines 20 through 22 in their entirety

7. Page 4, line 18.
Following: "in"
Strike: "2-9-104"
Insert: "2-9-104(1)(a)"

8. Page 6, line 15.
Following: "against"
Strike: "a nonelected"
Insert: "an"

9. Page 6, line 17.
Following: ","

Strike: "a nonelected"
Insert: "an"

10. Page 7.
Following: line 8
Insert: "(4) The disciplinary actions provided for herein are in addition to and not in limitation of the employing agency's rights to otherwise discipline."

11. Page 7, line 25.
Following: "16"
Strike: "Severability"
Insert: "Nonseverability"

12. Page 8, line 1.
Following: "all"
Strike: "valid"
Following: "parts"
Strike: "that are severable from the"
Insert: "are"

13. Page 8, lines 2 through 5.
Following: line 1
Strike: "part"
Insert: "and do not"
Following: "." on line 2
Strike: remainder of line 2 through line 5 in its entirety

14. Page 7, line 8.
Following: "."
Insert: "However, if it is determined that an employee or agent of the state purposely or knowingly acted in violation of a person's constitutional rights he shall be permanently dismissed notwithstanding the provisions of subsection (2)."

And, as so amended, be not concurred in. Report not adopted.

Minority Report

HB 626, third reading copy, be amended as follows:

1. Title, line 9.
Following: "FOR"
Strike: "A NONELECTED"
Insert: "AN"

2. Page 2, line 25 through line 1 on page 3.
Following: "is" on line 25
Insert: "exclusively"
Following: "liable" on line 25
Strike: remainder of line 25 through "agent," on line 1, page 3
Insert: "for damages in a civil action and no cause of action lies against its employee or agent"

3. Page 3, lines 6 through 11.
Strike: subsection (3) in its entirety
Renumber: subsequent subsections

4. Page 3, line 15.
Following: "law"
Insert: "or uses deception or subterfuge in securing a warrant"

5. Page 3, line 17.

Following: "(5)"
Strike: "A nonelected"
Insert: "An agent or"

6. Page 3, lines 20 through 22.
Following: "." on line 20
Strike: remainder of lines 20 through 22 in their entirety

7. Page 4, line 18.
Following: "in"
Strike: "2-9-104"
Insert: "2-9-104(1)(a)"

8. Page 6, line 15.
Following: "against"
Strike: "a nonelected"
Insert: "an"

9. Page 6, line 17.
Following: ","
Strike: "a nonelected"
Insert: "an"

10. Page 7.
Following: line 8
Insert: "(4) The disciplinary actions provided for herein are in addition to and not in limitation of the employer agency's rights to otherwise discipline."

11. Page 7, line 25.
Following: "16"
Insert: "Nonseverability"

12. Page 8, line 1.
Following: "all"
Strike: "valid"
Following: "parts"
Strike: "that are severable from the"
Insert: "are"

13. Page 8, lines 2 through 5.
Following: line 1
Strike: "part"
Insert: "and do not"
Following: "." on line 2
Strike: remainder of line 2 through line 5 in its entirety

14. Page 7, line 8.
Following: "."
Insert: "However, if it is determined that an employee or agent of the state purposely or knowingly acted in violation of a person's constitutional rights he shall be permanently dismissed notwithstanding the provisions of subsection (2)."

Thereupon, the Minority Report was adopted by the following roll call vote:

Ayes: Aklestad, Boylan, B. Brown, Dover, Elliott, Galt, Goodover, Graham, Hafferman, Hager, Hammond, Hazelbaker, Healy, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, McCallum, Ochsner, O'Hara, Ryan, Severson, Stephens, Stimatz, Story, Tveit, Mr. President.
Total 30

Noes: Anderson, Berg, Blaylock, S. Brown, Conover, Crippen, Eck, Etchart, Haffey, Halligan, Himsl, Mazurek, Nelson, Norman, Olson, Regan, Smith, Towe, Van Valkenburg.
Total 19

Excused: None.
Total 0

Absent or not voting: Thomas.
Total 1

(Including the following pairs: Galt, aye - Towe, no; Stephens, aye - Anderson, no.)

TAXATION (Goodover, Chairman):
HB 111, be not concurred in.

Thereupon, the Adverse Committee Report was adopted by the following roll call vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stimatz, Tveit, Van Valkenburg, Mr. President.
Total 43

Noes: Hafferman, Lee.
Total 2

Excused: Stephens, Towe.
Total 2

Absent or not voting: Manley, Story, Thomas.
Total 3

HB 121, be not concurred in.

Thereupon, the Adverse Committee Report was adopted by the following roll call vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stimatz, Story, Tveit, Van Valkenburg, Mr. President.
Total 46

Noes: None.
Total 0

Excused: Stephens, Towe.
Total 2

Absent or not voting: Manley, Thomas.
Total 2

HB 433, be not concurred in.

Thereupon, the Adverse Committee Report was adopted by the following roll call vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, Conover, Dover, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey,

Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manning, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stimatz, Story, Thomas, Tveit, Van Valkenburg.
Total 42

Noes: S. Brown, Crippen, Eck, Mazurek.
Total 4

Excused: Stephens, Towe.
Total 2

Absent or not voting: Manley, Mr. President.
Total 2

HB 447, be not concurred in.

Thereupon, the Adverse Committee Report was adopted by the following roll call vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stimatz, Story, Thomas, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Stephens, Towe.
Total 2

Absent or not voting: None.
Total 0

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following Senate Bills were on 3/18/81, concurred in and returned to the Senate:

Senate Bill No. 2, introduced by Himsl (71-25)

Senate Bill No. 49, introduced by Eck (69-27)

Senate Bill No. 155, introduced by McCallum (96-0)

Senate Bill No. 161, introduced by Mazurek (96-0)

Senate Bill No. 170, introduced by Towe (83-12)

Senate Bill No. 173, introduced by Towe (90-6)

Senate Bill No. 450, introduced by McCallum (95-0)

The following Senate Bills were on 3/18/81, concurred in as amended, and returned to the Senate for concurrence in House Amendments:

Senate Bill No. 120, introduced by Ochsner (95-0)

Senate Bill No. 144, introduced by Hazelbaker (96-0)

Senate Bill No. 159, introduced by Anderson (82-14)

Senate Bill No. 427, introduced by S. Brown (85-10)

The following House Bills were on 3/18/81, passed and transmitted to the Senate for concurrence:

House Bill No. 305, introduced by Dozier (86-9)

House Bill No. 561, introduced by Sivertsen (92-3)

House Bill No. 617, introduced by Roth (92-3)

MOTIONS

Motion was made by Senator Van Valkenburg, duly carried, that House Bill No. 213 be taken from Second Reading and be rereferred to the Committee on Judiciary.

FIRST READING OF BILLS

The following Senate Joint Resolution was introduced, read first time and referred to committee:

SJR 29, introduced by Stimatz, Hazelbaker. Referred to Committee on Finance and Claims.

The following Senate bill was introduced, read first time and referred to committee:

SB 484, introduced by Severson, Burnett, (By Request of the Senate Taxation Committee). Referred to Committee on Taxation.

The following House bills were introduced, read first time and referred to committees:

HB 305, introduced by Dozier, (By Request of the Department of Revenue). Referred to Committee on Taxation.
HB 561, introduced by Sivertsen, (By Request of the Department of Revenue). Referred to Committee on Taxation.
HB 617, introduced by Roth. Referred to Committee on Finance and Claims.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

Senate Bill No. 102 was passed by the following vote:

Ayes: Aklestad, Anderson, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Ryan, Severson, Smith, Stimatz, Thomas, Tveit, Van Valkenburg, Mr. President.
Total 42

Noes: Berg, Blaylock, Galt, Manley, Regan, Story.
Total 6

Excused: Stephens, Towe.
Total 2

Absent or not voting: None.
Total 0

House Bill No. 38 was concurred in by the following vote:

Ayes: Aklestad, Anderson, Blaylock, Boylan, B. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey,

Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stimatz, Story, Thomas, Tveit, Mr. President.
Total 45

Noes: Berg, S. Brown, Van Valkenburg.
Total 3

Excused: Stephens, Towe.
Total 2

Absent or not voting: None.
Total 0

House Bill No. 74 was concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stimatz, Story, Thomas, Tveit, Van Valkenburg, Mr. President.
Total 47

Noes: S. Brown.
Total 1

Excused: Stephens, Towe.
Total 2

Absent or not voting: None.
Total 0

House Bill No. 225, being a Constitutional Amendment requiring a two-thirds vote of the Legislature, was concurred in by the following vote:

Ayes: Aklestad, Anderson, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Hager, Hammond, Hazelbaker, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Severson, Smith, Stephens, Stimatz, Story, Thomas, Tveit, Mr. President.
Total 38

Noes: Berg, Blaylock, Eck, Haffey, Halligan, Healy, Himsl, Manning, Regan, Ryan, Towe, Van Valkenburg.
Total 12

Excused: None.
Total 0

Absent or not voting: None.
Total 0

(Including the following pairs: Stephens, aye - Blaylock, no; Hazelbaker, aye - Towe, no.)

House Bill No. 285 was concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan,

Severson, Smith, Stimatz, Story, Thomas, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Stephens, Towe.
Total 2

Absent or not voting: None.
Total 0

House Bill No. 299 was concurred in by the following vote:

Ayes: Aklestad, Anderson, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Ryan, Severson, Smith, Stimatz, Story, Thomas, Tveit, Van Valkenburg, Mr. President.
Total 44

Noes: Berg, Blaylock, Eck, Regan.
Total 4

Excused: Stephens, Towe.
Total 2

Absent or not voting: None.
Total 0

House Bill No. 389 was concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stimatz, Story, Thomas, Tveit, Van Valkenburg, Mr. President.
Total 47

Noes: None.
Total 0

Excused: Stephens, Towe.
Total 2

Absent or not voting: Hammond.
Total 1

House Bill No. 449 was concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Severson, Smith, Stimatz, Story, Thomas, Tveit, Van Valkenburg, Mr. President.
Total 47

Noes: Ryan.
Total 1

Excused: Stephens, Towe.

Total 2

Absent or not voting: None.
Total 0

House Bill No. 495 was concurred in by the following vote:

Ayes: Aklestad, Anderson, Blaylock, Boylan, B. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stimatz, Story, Thomas, Tveit, Mr. President.
Total 44

Noes: Berg, S. Brown, Mazurek, Van Valkenburg.
Total 4

Excused: Stephens, Towe.
Total 2

Absent or not voting: None.
Total 0

House Bill No. 522 was concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Severson, Smith, Stimatz, Story, Thomas, Tveit, Van Valkenburg, Mr. President.
Total 47

Noes: Ryan.
Total 1

Excused: Stephens, Towe.
Total 2

Absent or not voting: None.
Total 0

House Bill No. 685 was concurred in by the following vote:

Ayes: Anderson, Berg, B. Brown, Conover, Crippen, Dover, Elliott, Etchart, Galt, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Jacobson, Johnson, Keating, Kolstad, Manning, Mazurek, Nelson, Norman, O'Hara, Ryan, Severson, Smith, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 36

Noes: Aklestad, Blaylock, Boylan, S. Brown, Eck, Goodover, Himsl, Lee, Manley, McCallum, Ochsner, Olson, Regan.
Total 13

Excused: Stephens.
Total 1

Absent or not voting: None.
Total 0

(Including the following pair: Towe, aye - S. Brown, no.)

At the request of the President, and without objection, the Senate reverted to Order of Business No. 8.

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator B. Brown in the Chair.

Senate resumed. President Turnage in the Chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on Second Reading, recommend as follows:

That House Bill No. 288 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stimatz, Story, Thomas, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Stephens, Towe.
Total 2

Absent or not voting: None.
Total 0

That House Bill No. 321 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Elliott, Etchart, Galt, Goodover, Hafferman, Hager, Hazelbaker, Healy, Himsl, Johnson, Keating, Kolstad, Lee, Nelson, Norman, Ochsner, Ryan, Severson, Smith, Stimatz, Mr. President.
Total 23

Noes: Berg, Blaylock, S. Brown, Conover, Crippen, Eck, Haffey, Halligan, Hammond, Jacobson, Manley, Manning, O'Hara, Olson, Regan, Van Valkenburg.
Total 16

Excused: Stephens, Towe.
Total 2

Absent or not voting: Boylan, B. Brown, Dover, Graham, Mazurek, McCallum, Story, Thomas, Tveit.
Total 9

That House Bill No. 439 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stimatz, Story, Thomas, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Stephens, Towe.

Total 2

Absent or not voting: None.
Total 0

That House Bill No. 457 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stimatz, Story, Thomas, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Stephens, Towe.
Total 2

Absent or not voting: None.
Total 0

That House Bill No. 510 be amended as follows:

1. Page 1, line 22.
Following: "bond"
Insert: "with two or more sureties acceptable to the governmental body letting the contract, or"

Amendment passed by the following vote:

Ayes: Anderson, Boylan, Elliott, Etchart, Galt, Hafferman, Hager, Hammond, Healy, Himsl, Kolstad, Lee, Manning, McCallum, Norman, Ochsner, Ryan, Severson, Smith, Stimatz, Mr. President.
Total 21

Noes: Aklestad, Berg, Blaylock, S. Brown, Conover, Crippen, Dover, Goodover, Haffey, Halligan, Hazelbaker, Jacobson, Mazurek, Nelson, Regan, Thomas, Tveit, Van Valkenburg.
Total 18

Excused: Stephens, Towe.
Total 2

Absent or not voting: B. Brown, Eck, Graham, Johnson, Keating, Manley, O'Hara, Olson, Story.
Total 9

That House Bill No. 510, as amended, be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stimatz, Story, Thomas, Tveit, Van Valkenburg, Mr. President.
Total 47

Noes: Conover.
Total 1

Excused: Stephens, Towe.
Total 2

Absent or not voting: None.
Total 0

That House Bill No. 534 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stimatz, Story, Thomas, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Stephens, Towe.
Total 2

Absent or not voting: None.
Total 0

That House Bill No. 546 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stimatz, Story, Thomas, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Stephens, Towe.
Total 2

Absent or not voting: None.
Total 0

That House Bill No. 547 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Elliott, Etchart, Galt, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Ryan, Severson, Smith, Stimatz, Story, Thomas, Tveit, Van Valkenburg, Mr. President.
Total 44

Noes: Blaylock, Eck, Goodover, Regan.
Total 4

Excused: Stephens, Towe.
Total 2

Absent or not voting: None.
Total 0

That House Bill No. 593 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stimatz, Story, Thomas, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Stephens, Towe.
Total 2

Absent or not voting: None.
Total 0

That House Bill No. 690 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stimatz, Story, Thomas, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Stephens, Towe.
Total 2

Absent or not voting: None.
Total 0

That the Committee rise and report and beg leave to sit again. (B. Brown, Chairman)

Upon motion of Senator B. Brown, duly carried, the foregoing Report of the Committee of the Whole was adopted.

At the request of the President, and without objection, the Senate reverted to Order of Business No. 5.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following House Bill was on 3/18/81, passed as amended, and transmitted to the Senate for concurrence:

House Bill No. 500, introduced by Lund (72-22)

FIRST READING OF BILLS

The following Senate Joint Resolutions were introduced, read first time and referred to committees:

SJR 30, introduced by Aklestad, Underdal, Kolstad, Turnage, Keating, Graham, Lee, J. O'Hara, Galt, Cozzens, Stobie, Gould, Hannah, Keedy, Winslow, Matsko, Donaldson, Conroy, Vinger, D. O'Hara, J. Ryan, Asay, Manley, Devlin, Kropp, Story, Hafferman, Ryan, Van

Valkenburg, J. Jacobson, Hazelbaker, E. Smith, McCallum, C. Smith, Mazurek, Eck. Referred to Committee on Judiciary.

SJR 31, introduced by Natural Resource Committee, Schultz. Referred to Committee on Natural Resources.

The following House bill was introduced, read first time and referred to committee:

HB 500, introduced by Lund, (By Request of the House Appropriations Committee). Referred to Committee on Finance and Claims.

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator B. Brown in the Chair.

Senate resumed. President Turnage in the Chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on Second Reading, recommend as follows:

That House Bill No. 775 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Severson, Stimatz, Story, Thomas, Van Valkenburg, Mr. President.
Total 44

Noes: Hafferman, Ryan, Smith, Tveit.
Total 4

Excused: Stephens, Towe.
Total 2

Absent or not voting: None.
Total 0

That House Bill No. 812 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stimatz, Story, Thomas, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Stephens, Towe.
Total 2

Absent or not voting: None.
Total 0

That House Joint Resolution No. 32 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman,

Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stimatz, Story, Thomas, Tveit, Van Valkenburg, Mr. President.
Total 47

Noes: S. Brown.
Total 1

Excused: Stephens, Towe.
Total 2

Absent or not voting: None.
Total 0

That House Amendments to Senate Bill No. 15 be not concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stimatz, Story, Thomas, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Stephens, Towe.
Total 2

Absent or not voting: None.
Total 0

That House Amendments to Senate Bill No. 26 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stimatz, Story, Thomas, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Stephens, Towe.
Total 2

Absent or not voting: None.
Total 0

That House Amendments to Senate Bill No. 112 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek,

McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stimatz, Story, Thomas, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Stephens, Towe.
Total 2

Absent or not voting: None.
Total 0

That House Amendments to Senate Bill No. 178 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stimatz, Story, Thomas, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Stephens, Towe.
Total 2

Absent or not voting: None.
Total 0

That House Bill No. 596 be amended as follows:

1. Title, line 5.
Following: "CANAL"
Insert: "OR DITCH"

2. Page 1, line 16.
Following: "enter"
Strike: "and"
Insert: ","
Following: "repair,"
Insert: "and"

3. Page 1, lines 16 and 17.
Following: "maintain"
Strike: ", or otherwise use the easement"
Insert: "a canal or ditch"

4. Page 1, lines 21 through 23.
Following: "water"
Strike: the remainder of lines 21 through 23

5. Page 2, line 4.
Following: "section."
Insert: "Nothing in this section establishes a secondary easement where none existed prior to [the effective date of this act]. This section does not affect contracts or agreements concluded prior to [the effective date of this act]."

Amendments passed by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stimatz, Story, Thomas, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Stephens, Towe.
Total 2

Absent or not voting: None.
Total 0

That House Bill No. 596, as amended, be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stimatz, Story, Thomas, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Stephens, Towe.
Total 2

Absent or not voting: None.
Total 0

That Senate Bill No. 42 do pass by the following vote:

Ayes: Aklestad, Anderson, Blaylock, S. Brown, Conover, Crippen, Eck, Elliott, Galt, Graham, Haffey, Hager, Halligan, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Regan, Severson, Stimatz, Van Valkenburg.
Total 30

Noes: Boylan, Dover, Etchart, Goodover, Hafferman, Hammond, Hazelbaker, Lee, Manley, Ryan, Story, Mr. President.
Total 12

Excused: Stephens, Towe.
Total 2

Absent or not voting: Berg, B. Brown, Olson, Smith, Thomas, Tveit.
Total 6

That Senate Bill No. 291 do pass by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl,

Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stimatz, Story, Thomas, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Stephens, Towe.
Total 2

Absent or not voting: None.
Total 0

Senator B. Brown relinquished the Chair.

Senator S. Brown assumed the Chair.

That House Bill No. 6 be amended as follows:

1. Page 2, line 4.
Following: line 3
Strike: "COUNTY ATTORNEY OR"

Amendment passed by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stimatz, Story, Thomas, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Stephens, Towe.
Total 2

Absent or not voting: None.
Total 0

That House Bill No. 6 as amended be concurred in. Motion failed by the following vote:

Ayes: Boylan, B. Brown, Conover, Eck, Haffey, Halligan, Healy, Jacobson, Manning, Nelson, Ryan, Stimatz, Van Valkenburg.
Total 13

Noes: Aklestad, Anderson, Berg, Blaylock, S. Brown, Crippen, Dover, Etchart, Galt, Goodover, Graham, Hafferman, Hager, Hammond, Hazelbaker, Himsl, Johnson, Keating, Kolstad, Lee, Manley, Mazurek, McCallum, Norman, Ochsner, Regan, Severson, Smith, Story, Tveit, Mr. President.
Total 31

Excused: Stephens, Towe.
Total 2

Absent or not voting: Elliott, O'Hara, Olson, Thomas.
Total 4

That House Bill No. 6 be indefinitely postponed. Motion carried by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, S. Brown, Conover, Crippen, Dover, Eck, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Hammond, Hazelbaker, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Mazurek, McCallum, Nelson, Norman, Ochsner, Regan, Severson, Smith, Stimatz, Story, Tveit, Van Valkenburg, Mr. President.
Total 39

Noes: B. Brown, Halligan, Healy, Ryan.
Total 4

Excused: Stephens, Towe.
Total 2

Absent or not voting: Elliott, Manning, O'Hara, Olson, Thomas.
Total 5

Senator S. Brown relinquished the Chair.

Senator B. Brown assumed the Chair.

That House Bill No. 96 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stimatz, Story, Thomas, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Stephens, Towe.
Total 2

Absent or not voting: None.
Total 0

That House Bill No. 106 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stimatz, Story, Thomas, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Stephens, Towe.
Total 2

Absent or not voting: None.
Total 0

That House Bill No. 110 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stimatz, Story, Thomas, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Stephens, Towe.
Total 2

Absent or not voting: None.
Total 0

That House Bill No. 238 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Ryan, Severson, Smith, Stimatz, Story, Thomas, Tveit, Van Valkenburg, Mr. President.
Total 47

Noes: Regan.
Total 1

Excused: Stephens, Towe.
Total 2

Absent or not voting: None.
Total 0

That House Bill No. 239 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stimatz, Story, Thomas, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Stephens, Towe.
Total 2

Absent or not voting: None.
Total 0

That House Bill No. 265 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan,

Severson, Smith, Stimatz, Story, Thomas, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Stephens, Towe.
Total 2

Absent or not voting: None.
Total 0

That House Bill No. 284 pass consideration. Unanimously passed.

That House Bill No. 379 be amended as follows:

That the Amendments of the Senate Standing Committee on Judiciary shown below be stricken:

1. Page 1, line 25 through page 2, line 1.
Following: ";" on page 1, line 25
Strike: line 25 through "within" on page 2, line 1
Insert: "or"

2. Page 2, line 1.
Following: "violation"
Insert: ", but in no case may the prosecution be commenced more than 10 years after the alleged violation"

And further, that the following amendment be made to the bill:

1. Page 1, line 24.
Following: "than"
Strike: "5"
Insert: "8"

Amendments passed by the following vote:

Ayes: Aklestad, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stimatz, Story, Thomas, Tveit, Van Valkenburg, Mr. President.
Total 47

Noes: Anderson.
Total 1

Excused: Stephens, Towe.
Total 2

Absent or not voting: None.
Total 0

That House Bill No. 379, as amended, be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan,

Severson, Smith, Stimatz, Story, Thomas, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Stephens, Towe.
Total 2

Absent or not voting: None.
Total 0

That the Committee rise and report. (B. Brown, Chairman)

Upon motion of Senator B. Brown, duly carried, the foregoing Report of the Committee of the Whole was adopted.

At the request of the President, and without objection, the Senate reverted to Order of Business No. 6.

MOTIONS

Senator Goodover moved that House Bill No. 547 be taken from the Committee on Bills and Journal and be printed and placed on Second Reading. Motion failed by the following vote:

Ayes: Aklestad, Berg, Blaylock, S. Brown, Conover, Crippen, Dover, Eck, Goodover, Haffey, Halligan, Kolstad, Lee, Mazurek, Nelson, Norman, O'Hara, Regan, Ryan, Van Valkenburg, Mr. President.
Total 21

Noes: Anderson, Boylan, B. Brown, Elliott, Etchart, Galt, Graham, Hafferman, Hager, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Manley, Manning, McCallum, Ochsner, Severson, Smith, Stimatz, Tveit.
Total 24

Excused: Stephens, Towe.
Total 2

Absent or not voting: Olson, Story, Thomas.
Total 3

Upon motion of Senator Mazurek, duly carried, that the President be authorized to appoint a Joint Conference Committee of three to meet with a like committee from the House to confer on House Amendments to Senate Bill No. 15.

The President appointed the following committee:

Senator Mazurek, Chairman
Senator Elliott
Senator Crippen

At the request of the President, and without objection, the Senate reverted to Order of Business No. 2.

REPORTS OF STANDING COMMITTEES

BILLS (O'Hara, Chairman):
Signed by the Speaker of the House and President of the Senate, 3/18/81, at the hour of 4:20 p.m., delivered to the Governor for his approval - SB 71, SB 103, SB 459. Report adopted.

Upon motion of Senator Smith, duly carried, the Senate adjourned at 6:42 p.m. until Thursday, March 19, at the hour of 3:00 p.m.

JEAN A. TURNAGE
President of the Senate

JOHN W. LARSON
Secretary of the Senate

SIXTY-FIRST LEGISLATIVE DAY

Helena, Montana
March 19, 1981

Senate Chambers
Capitol Building

Senate convened at 3:00 p.m., President Turnage presiding. Invocation by the Chaplain. Pledge of Allegiance to the Flag.

Roll call. All members present except Stephens, Towe, excused. Quorum present.

Mr. President: We, your Committee on Bills and Journal, having examined the daily journal for the Sixtieth Legislative Day, find the same to be correct.

O'HARA, Chairman

REPORTS OF STANDING COMMITTEES

BILLS (O'Hara, Chairman):
Correctly engrossed - SB 42, SB 291. Report adopted.

PRINTING (O'Hara, Chairman):
Correctly printed and placed on the members' desks - SJR 24. Report adopted.

COMMITTEE ON COMMITTEES (Galt, Chairman):
Does hereby appoint to the WESTERN STATES LEGISLATIVE FORESTRY TASK FORCE the following members:

William F. Hafferman
John E. Manley

Do pass. Report adopted.

AGRICULTURE, LIVESTOCK AND IRRIGATION (Galt, Chairman):
HB 467, third reading copy, be amended as follows:

1. Page 1, line 17.
Strike: "director of agriculture."
Insert: "governor. The director of the department of agriculture or his authorized representative shall be an ex officio, nonvoting member of the committee."

2. Page 2, line 1.
Strike: "director"
Insert: "governor"

3. Page 2, line 2.
Strike: "council"
Insert: "association"

4. Page 2, line 3.
Following: "seed"
Insert: "growers"

5. Page 2, line 6.
Strike: "director"
Insert: "governor"

6. Page 4, line 13.
Strike: "administer and enforce"
Insert: "provide, through the department of agriculture, for the administration and enforcement of"

7. Page 5, line 18.
Following: "OF"
Insert: "the department of"

8. Page 8, line 12.
Following: "year"
Insert: "for the preceding crop year"

And, as so amended, be concurred in. Report adopted.

Statement of Intent, HB 467, be concurred in. Report adopted.

EDUCATION AND CULTURAL RESOURCES (B. Brown, Chairman):
HB 174, be concurred in. Report adopted.

LOCAL GOVERNMENT (McCallum, Chairman):
HB 304, third reading copy, be amended as follows:

1. Page 1, line 22.
Following: "such"
Insert: "at least once a week"

And, as so amended, be concurred in. Report adopted.

HB 424, third reading copy, be amended as follows:

1. Page 2.
Following: line 6
Insert: "NEW SECTION. Section 2. Coordination. If house bill 790 introduced in the 47th legislature is passed and approved, this act becomes void and of no effect on the effective date of house bill 790."
Renumber: subsequent section

And, as so amended, be concurred in. Report adopted.

HB 704, third reading copy, be amended as follows:

1. Title, line 8.
Following: "MCA"
Insert: "; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE"

2. Page 2, line 21.
Following: "(2)"
Strike: "This"
Insert: "A public bus stop may not be established in the areas described in subsections (1)(a) through (c) and (e). Otherwise, this"

3. Page 3.
Following: line 5
Insert: "Section 2. Effective date. This act is effective on passage and approval."

And, as so amended, be concurred in. Report adopted.

STATE ADMINISTRATION (Story, Chairman):
HB 263, be concurred in. Report adopted.
HB 264, be concurred in. Report adopted.
HB 275, be concurred in. Report adopted.
HB 520, be concurred in. Report adopted.
HB 613, be concurred in. Report adopted.

TAXATION (Goodover, Chairman):

HB 343, be concurred in. Report adopted.
HB 408, be concurred in. Report adopted.
HB 552, be concurred in. Report adopted.
HB 629, be concurred in. Report adopted.

HB 533, third reading copy, be amended as follows:

1. Title, line 7.
Following: "~~BEFORE~~"
Strike: "AFTER"
Insert: "BEFORE"

And, as so amended, be concurred in. Report adopted.

EDUCATION AND CULTURAL RESOURCES (B. Brown, Chairman):
HJR 45, be concurred in. Report adopted.

TAXATION (Goodover, Chairman):
HB 539, be not concurred in.

Thereupon, the Adverse Committee Report was adopted by the following roll call vote:

Ayes: Aklestad, Anderson, Berg, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Severson, Smith, Stimatz, Story, Thomas, Tveit, Van Valkenburg, Mr. President.
Total 44

Noes: Hafferman.
Total 1

Excused: Stephens, Towe.
Total 2

Absent or not voting: Blaylock, McCallum, Ryan.
Total 3

MESSAGES FROM THE GOVERNOR

March 18, 1981

The Honorable Jean A. Turnage
President of the Senate
State Capitol Building
Helena, Mt. 59620

The Honorable Robert L. Marks
Speaker of the House
State Capitol Building
Helena, Mt. 59620

Dear Senator Turnage and Representative Marks:

In accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby return SB 166, "AN ACT TO GENERALLY REVISE THE PORK RESEARCH AND MARKETING ACT; RAISING ASSESSMENTS; REVISING ALLOCATION OF EXPENDITURES; AMENDING SECTIONS 81-8-605, 81-8-607, AND 81-8-610, MCA; REPEALING SECTION 81-8-613, MCA; AND PROVIDING AN EFFECTIVE DATE," without my signature and recommend the attached amendments.

The Department of Livestock may provide certain services to the Pork Research and Marketing Committee. It is the intent of SB 166 to permit the Committee to reimburse the Department for the costs associated with providing those services. The language set forth in Sec. 81-8-610(4) of the bill does not clearly state this.

I am proposing amendments which will accomplish the bill's intent.

I urge your concurrence in these amendments.

Sincerely,

TED SCHWINDEN
Governor

PROPOSED GOVERNOR'S AMENDMENTS TO SENATE BILL 166

1. Page 2, line 17.
Following: "SERVICES"
Strike: "IT"
Insert: "the department"

2. Page 2, line 18.
Following: line 17
Strike: "DEPARTMENT"
Insert: "committee"

March 18, 1981

The Honorable Jean Turnage
President of the Senate
State Capitol
Helena, Montana 59620

Dear Mr. President:

This is to inform you that I have signed the following measures this date:

Senate Bill Nos. 233, 73, 262, 94, 218, 165, 54, 3, 66, 338, 204, 393.

Sincerely,

TED SCHWINDEN
Governor

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The House on 3/18/81, failed to concur in Senate Amendments to House Bill No. 9, and the Speaker was authorized to appoint a Free Conference Committee, and the House respectfully requests the Senate to appoint a like committee to confer on Senate Amendments to House Bill No. 9.

The Speaker appointed the following members:

Representative Seifert, Chairman
Representative Bennett
Representative Yardley

The House on 3/18/81, failed to concur in Senate Amendments to House Bill No. 301, and the Speaker was authorized to appoint a Conference Committee, and the House respectfully requests the Senate to appoint a like committee to confer on Senate Amendments to House Bill No. 301.

The Speaker appointed the following members:

Representative Matsko, Chairman
Representative Keedy
Representative Gould

The House on 3/18/81, failed to concur in Senate Amendments to House Bill No. 350, and the Speaker was authorized to appoint a Free Conference Committee, and the House respectfully requests the Senate to appoint a like committee to confer on Senate Amendments to House Bill No. 350.

The Speaker appointed the following members:

Representative Meyer, Chairman
Representative Fabrega
Representative Keedy

The House on 3/18/81, authorized the Speaker to appoint a Free Conference Committee to confer on House Amendments to Senate Bill No. 72.

The Speaker appointed the following members:

Representative Feda, Chairman
Representative Spilker
Representative Kanduch

The House on 3/18/81, authorized the Speaker to appoint a Conference Committee to confer on House Amendments to Senate Bill No. 125.

The Speaker appointed the following members:

Representative Anderson, Chairman
Representative Hanson
Representative Holliday

The following Senate Bill was on 3/18/81, on Committee Report, not concurred in, and returned to the Senate:

Senate Bill No. 236, introduced by Conover

The following Senate Joint Resolution was on 3/18/81, on Committee Report, not concurred in, and returned to the Senate:

Senate Joint Resolution No. 9, introduced by Turnage

The House on 3/18/81, acceded to the request of the Senate for the return of House Bill No. 732, introduced by Eudaily, and is returning the bill to the Senate for further consideration.

The following Senate Bill was on Consent Calendar on 3/19/81, concurred in and returned to the Senate:

Senate Bill No. 389, introduced by Himsl (92-0)

MOTIONS

Senator Smith moved that the Joint Rules of the Forty-seventh Legislative Session be temporarily suspended for the introduction of a bill to reinstate the small claims court. Motion carried by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek,

McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stimatz, Thomas, Tveit, Van Valkenburg, Mr. President.
Total 47

Noes: None.
Total 0

Excused: Stephens, Towe.
Total 2

Absent or not voting: Story.
Total 1

Motion was made by Senator Hazelbaker, duly carried, that House Bill No. 706 be taken from the Committee on Bills and Journal and rereferred to the Committee on Business and Industry.

Motion was made by Senator B. Brown, duly carried, that House Bill No. 176 be taken from Second Reading and rereferred to the Committee on Taxation.

Motion was made by Senator Regan that House Bill No. 321 be taken from the Committee on Bills and Journal and rereferred to the Committee on Business and Industry for the purpose of an amendment. Motion failed by the following vote:

Ayes: Berg, Blaylock, Boylan, S. Brown, Crippen, Eck, Galt, Haffey, Halligan, Hazelbaker, Jacobson, Manning, Mazurek, Olson, Regan, Smith, Stimatz, Story, Van Valkenburg, Mr. President.
Total 20

Noes: Aklestad, Anderson, B. Brown, Conover, Dover, Elliott, Etchart, Goodover, Graham, Hafferman, Hager, Hammond, Healy, Himsl, Johnson, Keating, Kolstad, Lee, Manley, McCallum, Nelson, Norman, Ochsner, O'Hara, Ryan, Severson, Thomas, Tveit.
Total 28

Excused: Stephens, Towe.
Total 2

Absent or not voting: None.
Total 0

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

Senate Bill No. 322 was passed by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stimatz, Story, Thomas, Tveit, Van Valkenburg.
Total 46

Noes: Goodover, Mr. President.
Total 2

Excused: Stephens, Towe.
Total 2

Absent or not voting: None.

Total 0

Senate Bill No. 457 was passed by the following vote:

Ayes: Anderson, Boylan, S. Brown, Crippen, Dover, Etchart, Galt, Goodover, Hafferman, Haffey, Halligan, Healy, Himsl, Jacobson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, Norman, O'Hara, Ryan, Severson, Stimatz, Story, Thomas, Van Valkenburg.
Total 28

Noes: Aklestad, Berg, Blaylock, B. Brown, Conover, Eck, Elliott, Graham, Hager, Hammond, Hazelbaker, Johnson, McCallum, Nelson, Ochsner, Olson, Regan, Smith, Tveit, Mr. President.
Total 20

Excused: Stephens, Towe.
Total 2

Absent or not voting: None.
Total 0

House Bill No. 95 was concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Severson, Smith, Stimatz, Thomas, Tveit, Van Valkenburg, Mr. President.
Total 43

Noes: Hafferman, Lee, Manley, Ryan, Story.
Total 5

Excused: Stephens, Towe.
Total 2

Absent or not voting: None.
Total 0

House Bill No. 99 was concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stimatz, Story, Thomas, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Stephens, Towe.
Total 2

Absent or not voting: None.
Total 0

House Bill No. 154 was concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham,

Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stimatz, Story, Thomas, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Stephens, Towe.
Total 2

Absent or not voting: None.
Total 0

House Bill No. 172 was concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stimatz, Story, Thomas, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Stephens, Towe.
Total 2

Absent or not voting: None.
Total 0

House Bill No. 215 was concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stimatz, Story, Thomas, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Stephens, Towe.
Total 2

Absent or not voting: None.
Total 0

House Bill No. 237 was concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Eck, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stimatz, Story, Thomas, Tveit, Van Valkenburg, Mr. President.

Total 45

Noes: Dover, Elliott, Johnson.
Total 3

Excused: Stephens, Towe.
Total 2

Absent or not voting: None.
Total 0

House Bill No. 618 was concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Severson, Smith, Stimatz, Story, Thomas, Tveit, Van Valkenburg, Mr. President.
Total 44

Noes: Blaylock, Eck, Regan, Ryan.
Total 4

Excused: Stephens, Towe.
Total 2

Absent or not voting: None.
Total 0

House Bill No. 632 was concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Regan, Ryan, Severson, Smith, Stimatz, Story, Thomas, Tveit, Van Valkenburg, Mr. President.
Total 47

Noes: None.
Total 0

Excused: Stephens, Towe.
Total 2

Absent or not voting: Olson.
Total 1

House Bill No. 637 was concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stimatz, Story, Thomas, Tveit, Van Valkenburg, Mr. President.
Total 47

Noes: None.
Total 0

Excused: Stephens, Towe.

Total 2

Absent or not voting: Elliott.
Total 1

House Bill No. 725 was concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Ryan, Severson, Smith, Stimatz, Story, Thomas, Tveit, Van Valkenburg.
Total 44

Noes: S. Brown, Galt, Regan.
Total 3

Excused: Stephens, Towe.
Total 2

Absent or not voting: Mr. President.
Total 1

House Joint Resolution No. 16 was concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Ochsner, O'Hara, Olson, Severson, Smith, Stimatz, Story, Thomas, Tveit, Van Valkenburg, Mr. President.
Total 42

Noes: Blaylock, Halligan, Johnson, Norman, Regan, Ryan.
Total 6

Excused: Stephens, Towe.
Total 2

Absent or not voting: None.
Total 0

House Amendments to Senate Bill No. 58 were concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Severson, Smith, Stimatz, Story, Thomas, Tveit, Van Valkenburg, Mr. President.
Total 46

Noes: None.
Total 0

Excused: Stephens, Towe.
Total 2

Absent or not voting: Elliott, Ryan.
Total 2

House Amendments to Senate Bill No. 78 were concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stimatz, Story, Thomas, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Stephens, Towe.
Total 2

Absent or not voting: None.
Total 0

House Amendments to Senate Bill No. 85 were concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stimatz, Story, Thomas, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Stephens, Towe.
Total 2

Absent or not voting: None.
Total 0

House Amendments to Senate Bill No. 117 were concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stimatz, Story, Thomas, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Stephens, Towe.
Total 2

Absent or not voting: None.
Total 0

House Amendments to Senate Bill No. 127 were concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stimatz, Story, Thomas, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Stephens, Towe.
Total 2

Absent or not voting: None.
Total 0

House Amendments to Senate Bill No. 264 were concurred in by the following vote:

Ayes: Berg, Blaylock, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Graham, Hafferman, Haffey, Halligan, Hazelbaker, Healy, Jacobson, Johnson, Keating, Manley, Manning, Mazurek, McCallum, Norman, Ochsner, Regan, Ryan, Severson, Stimatz, Story, Thomas, Van Valkenburg, Mr. President.
Total 31

Noes: Aklestad, Anderson, Boylan, Elliott, Etchart, Galt, Goodover, Hager, Hammond, Himsl, Kolstad, Lee, Nelson, O'Hara, Olson, Smith, Tveit.
Total 17

Excused: Stephens, Towe.
Total 2

Absent or not voting: None.
Total 0

House Amendments to Senate Bill No. 281 were concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stimatz, Story, Thomas, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Stephens, Towe.
Total 2

Absent or not voting: None.
Total 0

House Amendments to Senate Bill No. 394 were concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stimatz, Story, Thomas, Tveit, Van Valkenburg, Mr. President.
Total 47

Noes: None.
Total 0

Excused: Stephens, Towe.
Total 2

Absent or not voting: B. Brown.
Total 1

At the request of the President, and without objection, the Senate reverted to Order of Business No. 8.

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Regan in the Chair.

Senate resumed. President Turnage in the Chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on Second Reading, recommend as follows:

Senator Regan relinquished the Chair.

Senator S. Brown assumed the Chair.

That House Bill No. 409 be amended. Motion failed by the following vote:

Ayes: S. Brown, Galt, Lee, Mazurek, Norman, O'Hara, Smith, Story, Tveit.
Total 9

Noes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, Conover, Crippen, Eck, Elliott, Etchart, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Keating, Kolstad, Manning, McCallum, Nelson, Olson, Regan, Ryan, Severson, Stimatz, Thomas, Van Valkenburg, Mr. President.
Total 34

Excused: Stephens, Towe.
Total 2

Absent or not voting: Dover, Hafferman, Johnson, Manley, Ochsner.
Total 5

That House Bill No. 409 be amended. Motion failed by the following vote:

Ayes: S. Brown, Galt, Lee, Mazurek, Smith, Story, Tveit.
Total 7

Noes: Aklestad, Berg, Blaylock, Boylan, B. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Keating, Kolstad, McCallum, Nelson, Norman, O'Hara, Olson, Regan, Severson, Stimatz, Thomas, Van Valkenburg, Mr. President.

Total 34

Excused: Stephens, Towe.
Total 2

Absent or not voting: Anderson, Hafferman, Johnson, Manley, Manning, Ochsner, Ryan.
Total 7

That House Bill No. 409 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Crippen, Dover, Eck, Elliott, Etchart, Goodover, Hafferman, Haffey, Hager, Halligan, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Manley, Manning, McCallum, Nelson, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Stimatz, Story, Thomas, Van Valkenburg, Mr. President.
Total 39

Noes: Lee, Mazurek, Norman, Smith, Tveit.
Total 5

Excused: Stephens, Towe.
Total 2

Absent or not voting: Conover, Galt, Graham, Hammond.
Total 4

Senator S. Brown relinquished the Chair.

Senator Regan assumed the Chair.

That House Bill No. 492 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stimatz, Story, Thomas, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Stephens, Towe.
Total 2

Absent or not voting: None.
Total 0

That House Bill No. 625 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stimatz, Story, Thomas, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.

Total 0

Excused: Stephens, Towe.
Total 2

Absent or not voting: None.
Total 0

That House Bill No. 630 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stimatz, Story, Thomas, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Stephens, Towe.
Total 2

Absent or not voting: None.
Total 0

That House Bill No. 636 be amended as follows:

1. Title, line 9.
Following: "PUBLIC,"
Insert: "TO PROVIDE THAT ONE MEMBER SHALL BE A PEACE OFFICER; REQUIRING ANNUAL LICENSURE AND INSPECTION OF MASSAGE THERAPY ESTABLISHMENTS; AMENDING THE DEFINITION OF MASSAGE THERAPIST; EXPANDING GROUNDS FOR REFUSAL OR REVOCATION OF A LICENSE;"

2. Title, line 11.
Following: line 10
Insert: "TO EXEMPT NONPROFIT CORPORATIONS;"

3. Title, line 11.
Following: "2-15-1627,"
Insert: "37-33-102, 37-33-103,"
Following: "37-33-201,"
Strike: "AND"

4. Title, line 12.
Following: "37-33-203,"
Insert: "AND 37-33-311,"

5. Page 5, line 13.
Following: "2-15-1632"
Insert: ";

(k) board of massage therapists, department of professional and occupational licensing, created by 2-15-1627"

6. Page 6, lines 10 through 12.
Strike: subsection (5) in its entirety

7. Page 6, line 16.

Following: "of"
Strike: "three"
Insert: "four"

8. Page 6, line 23.
Following: "large."
Insert: "One member must be a peace officer as defined in 46-1-201."

9. Page 7.
Following: line 2
Insert: "Section 4. Section 37-33-102, MCA, is amended to read:

"37-33-102. Definitions. Unless the context requires otherwise, in this chapter the following definitions apply:

(1) "Board" means the board of massage therapists provided for in 2-15-1627.

(2) "Department" means the department of professional and occupational licensing, provided for in Title 2, chapter 15, part 16.

(3) "Massage therapist" includes persons engaged in the occupation of massage therapy and includes the feminine "masseuse".

(4) "Massage therapy" means the trained ability of body massage therapy by hands for the purpose of body massage therapy; the use of oil rubs, salt glows, hot and cold packs, tub, shower, or cabinet baths; and the application to the patron by the operator's hands by variations of touch, stroking, friction, kneading, vibration, percussion, and gymnastics, except that a massage therapist may not engage in sexual contact as defined in 45-2-101.

(5) "Massage therapy establishment" means a place in which any of the above procedures and methods are administered or used.

(6) "Practice of massage therapy" means to perform massage therapy as above defined for remuneration or hire or to advertise by the use of the word "massage" in any of its derivations or genders or by any other means the practice of massage therapy."

Section 5. Section 37-33-103, MCA, is amended to read:

"37-33-103. Exemptions. The following classes of persons are exempt from this chapter:

(1) persons authorized by the laws of this state to practice medicine, surgery, osteopathy, chiropractic, or podiatry;

(2) persons who are registered or licensed under the laws of this state as nurses, practical nurses, physical therapists, barbers, or cosmetologists;

(3) educational institutions maintaining a full-time faculty with a varied curriculum; and

(4) a nonprofit corporation, organized under the laws of this state, in which massage therapy is incidental to a program of physical education, athletics, or exercise.""
Renumber: subsequent sections

10. Page 7, line 21.
Following: "therapist"
Insert: ", a peace officer,"

11. Page 7.

Following: line 22

Insert: "NEW SECTION. Section 8. Massage therapy establishment, licensure, and inspection. (1) No person may operate, manage, or conduct a massage therapy establishment unless the establishment has been licensed by the board. Upon application and inspection by the board, a license for a massage therapy establishment shall be issued to an applicant upon payment of the license fee and compliance with board rules. The board, in consultation with the department of health and environmental sciences, shall adopt sanitary rules to protect the public health and prevent the spread of disease. The board shall establish license and renewal fees for massage therapy establishments commensurate with the costs of licensure and inspection. A license shall expire on December 31 of each year.

(2) The board shall inspect at least annually each licensed massage therapy establishment. During each inspection the board shall be accompanied by a peace officer from the local law enforcement agency having jurisdiction where the massage therapy establishment is located. Upon completion of the inspection, the board shall file a written report of the results of the inspection with the local law enforcement agency and with the department of professional and occupational licensing."

Section 9. Section 37-33-311, MCA, is amended to read:

"37-33-311. Denial, suspension, or revocation of license. (1) The board may, after hearing, deny, suspend, revoke, or refuse to renew a license under this chapter to a person, otherwise qualified:

(a) who obtained the license by fraudulent representation;

(b) for incompetency in practice;

(c) for use of untruthful or improbable statements to patrons or in his advertisements;

(d) for habitual intoxication;

(e) for failure to renew;

(f) for unprofessional and immoral conduct; <u>or</u>

<u>(g) for engaging in sexual contact, as defined in 45-2-101, with a patron</u>.

(2) The board may authorize the department to reissue a license after a lapse of not less than 6 months if in the board's judgement the act or conditions of disqualifications have been remedied."

Section 10. Codification instruction. Section 8 is intended to be codified as an integral part of Title 37, chapter 33, and the provisions of Title 37, chapter 33 apply to section 8."

Renumber: subsequent section

Amendments passed by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Severson, Smith, Stimatz, Story, Thomas, Tveit, Van Valkenburg, Mr. President.
Total 46

Noes: Crippen, Ryan.
Total 2

Excused: Stephens, Towe.
Total 2

Absent or not voting: None.
Total 0

That House Bill No. 636, as amended, be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Jacobson, Johnson, Keating, Kolstad, Lee, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Severson, Smith, Stimatz, Story, Thomas, Tveit, Van Valkenburg, Mr. President.
Total 42

Noes: Blaylock, Goodover, Himsl, Manley, Regan, Ryan.
Total 6

Excused: Stephens, Towe.
Total 2

Absent or not voting: None.
Total 0

That House Bill No. 811 pass consideration. Unanimously passed.

That House Bill No. 284 be concurred in by the following vote:

Ayes: Aklestad, Blaylock, B. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manning, Mazurek, Norman, Ochsner, O'Hara, Olson, Regan, Severson, Thomas.
Total 34

Noes: Berg, S. Brown, Ryan, Van Valkenburg, Mr. President.
Total 5

Excused: Stephens, Towe.
Total 2

Absent or not voting: Anderson, Boylan, Manley, McCallum, Nelson, Smith, Stimatz, Story, Tveit.
Total 9

That House Bill No. 15 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stimatz, Story, Thomas, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Stephens, Towe.

Total 2

Absent or not voting: None.
Total 0

That House Bill No. 35 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stimatz, Story, Thomas, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Stephens, Towe.
Total 2

Absent or not voting: None.
Total 0

That House Bill No. 112 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stimatz, Story, Thomas, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Stephens, Towe.
Total 2

Absent or not voting: None.
Total 0

That House Bill No. 367 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stimatz, Story, Thomas, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Stephens, Towe.
Total 2

Absent or not voting: None.
Total 0

That House Bill No. 396 be concurred in. Motion failed by the following vote:

Ayes: Berg, Blaylock, B. Brown, S. Brown, Eck, Haffey, Hager, Halligan, Hazelbaker, Himsl, Jacobson, Mazurek, Nelson, Norman, Ochsner, Regan, Severson, Van Valkenburg.
Total 18

Noes: Aklestad, Boylan, Conover, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Hammond, Healy, Keating, Kolstad, Lee, Manley, McCallum, Olson, Ryan, Smith, Story, Thomas, Tveit, Mr. President.
Total 23

Excused: Stephens, Towe.
Total 2

Absent or not voting: Anderson, Crippen, Dover, Johnson, Manning, O'Hara, Stimatz.
Total 7

That House Bill No. 396 be indefinitely postponed. Motion carried by the following vote:

Ayes: Aklestad, Boylan, Conover, Crippen, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hammond, Hazelbaker, Healy, Keating, Kolstad, Lee, Manley, McCallum, Nelson, Norman, Ochsner, Olson, Ryan, Smith, Story, Thomas, Tveit, Mr. President.
Total 28

Noes: Berg, Blaylock, B. Brown, S. Brown, Hafferman, Haffey, Hager, Halligan, Himsl, Jacobson, Mazurek, Regan, Severson, Van Valkenburg.
Total 14

Excused: Stephens, Towe.
Total 2

Absent or not voting: Anderson, Dover, Johnson, Manning, O'Hara, Stimatz.
Total 6

That House Bill No. 411 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stimatz, Story, Thomas, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Stephens, Towe.
Total 2

Absent or not voting: None.
Total 0

That the Committee rise and report and beg leave to sit again. (Regan, Chairman)

Upon motion of Senator Regan, duly carried, the foregoing Report of the Committee of the Whole was adopted.

At the request of the President, and without objection, the Senate reverted to Order of Business No. 6.

MOTIONS

Senator Goodover moved that the Senate reconsider its action in the adoption of an Adverse Committee Report on House Bill No. 121 and that it be rereferred to the Committee on Taxation. Motion failed by the following vote:

Ayes: Aklestad, Anderson, Conover, Crippen, Dover, Eck, Etchart, Galt, Goodover, Graham, Halligan, Hammond, Hazelbaker, Healy, Kolstad, Lee, Manley, Manning, Ochsner, O'Hara, Ryan, Severson, Thomas.
Total 23

Noes: Berg, Blaylock, B. Brown, S. Brown, Elliott, Hafferman, Haffey, Hager, Himsl, Jacobson, Johnson, Keating, Mazurek, McCallum, Nelson, Norman, Olson, Regan, Smith, Story, Tveit, Van Valkenburg, Mr. President.
Total 23

Excused: Stephens, Towe.
Total 2

Absent or not voting: Boylan, Stimatz.
Total 2

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Regan in the Chair.

Senate resumed. President Turnage in the Chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on Second Reading, recommend as follows:

That House Bill No. 435 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stimatz, Story, Thomas, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Stephens, Towe.
Total 2

Absent or not voting: None.
Total 0

That House Bill No. 462 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan,

Severson, Smith, Stimatz, Story, Thomas, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Stephens, Towe.
Total 2

Absent or not voting: None.
Total 0

That House Bill No. 463 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Boylan, B. Brown, Elliott, Etchart, Galt, Hafferman, Hammond, Hazelbaker, Himsl, Keating, Kolstad, Lee, McCallum, Nelson, Ochsner, Olson, Severson, Smith, Story, Thomas, Tveit.
Total 23

Noes: Berg, Blaylock, S. Brown, Conover, Crippen, Dover, Eck, Goodover, Haffey, Hager, Halligan, Healy, Jacobson, Johnson, Manley, Manning, Mazurek, Norman, Regan, Ryan, Van Valkenburg, Mr. President.
Total 22

Excused: Stephens, Towe.
Total 2

Absent or not voting: Graham, O'Hara, Stimatz.
Total 3

That House Bill No. 525 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stimatz, Story, Thomas, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Stephens, Towe.
Total 2

Absent or not voting: None.
Total 0

That House Bill No. 528 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stimatz, Story, Thomas, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.

Total 0

Excused: Stephens, Towe.
Total 2

Absent or not voting: None.
Total 0

That House Bill No. 535 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stimatz, Story, Thomas, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Stephens, Towe.
Total 2

Absent or not voting: None.
Total 0

That House Bill No. 537 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stimatz, Story, Thomas, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Stephens, Towe.
Total 2

Absent or not voting: None.
Total 0

That House Bill No. 550 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stimatz, Story, Thomas, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Stephens, Towe.
Total 2

Absent or not voting: None.
Total 0

That House Bill No. 573 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stimatz, Story, Thomas, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Stephens, Towe.
Total 2

Absent or not voting: None.
Total 0

That House Bill No. 607 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stimatz, Story, Thomas, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Stephens, Towe.
Total 2

Absent or not voting: None.
Total 0

That House Bill No. 621 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stimatz, Story, Thomas, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Stephens, Towe.
Total 2

Absent or not voting: None.
Total 0

Upon motion of Senator Elliott, without objection, that House Joint Resolution No. 22 be placed at the top of the board.

That House Joint Resolution No. 22 be amended. Motion failed by the following vote:

Ayes: Berg, Blaylock, S. Brown, Conover, Eck, Halligan, Manning, Mazurek, Norman, O'Hara, Regan.
Total 11

Noes: Aklestad, Anderson, Boylan, B. Brown, Crippen, Dover, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, McCallum, Nelson, Ochsner, Olson, Ryan, Severson, Smith, Story, Tveit.
Total 33

Excused: Stephens, Towe.
Total 2

Absent or not voting: Stimatz, Thomas, Van Valkenburg, Mr. President.
Total 4

That House Joint Resolution No. 22 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Story, Tveit, Mr. President.
Total 44

Noes: Halligan.
Total 1

Excused: Stephens, Towe.
Total 2

Absent or not voting: Stimatz, Thomas, Van Valkenburg.
Total 3

That House Bill No. 642 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Boylan, B. Brown, Dover, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, McCallum, Nelson, Ochsner, O'Hara, Ryan, Severson, Smith, Story, Tveit.
Total 33

Noes: Berg, Blaylock, S. Brown, Conover, Crippen, Eck, Halligan, Mazurek, Norman, Olson, Regan, Mr. President.
Total 12

Excused: Stephens, Towe.
Total 2

Absent or not voting: Stimatz, Thomas, Van Valkenburg.
Total 3

That House Bill No. 702 be amended as follows:

1. Title, line 6.
Following: "ELEVATOR"
Insert: "AND ESCALATOR"

2. Page 2, line 9.
Following: "ELEVATOR"
Insert: "or escalator"

3. Page 2, line 13.
Following: "ELEVATOR"
Insert: "or escalator"

Amendments passed by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stimatz, Story, Thomas, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Stephens, Towe.
Total 2

Absent or not voting: None.
Total 0

That House Bill No. 702, as amended, be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stimatz, Story, Thomas, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Stephens, Towe.
Total 2

Absent or not voting: None.
Total 0

That House Bill No. 740 be amended as follows:

That Amendment Numbers 4 and 5 of the Senate Standing Committee on Agriculture, Livestock and Irrigation of March 17, 1981, be stricken, and that the following amendment of the Committee be amended to read as follows:

2. Page 4.
Following: line 18
Insert: "(4) The beef production research account may be assessed costs by the department for services it provides in administering [sections 1 through 5]. The costs charged must have a substantial relationship to the cost of the services provided.

(5) Money deposited in the beef production research account pursuant to [section 5] is appropriated to the department and must be used only for the purposes of [sections 1 through 5]."

And further, that the following amendments be made to the bill:

1. Page 1, line 12.
Strike: "[This act]"
Insert: "[Sections 1 through 5]"

2. Page 1, line 14.
Strike: "[this act]"
Insert: "[sections 1 through 5]"

3. Page 1, line 22.
Strike: "[this act]"
Insert: "[sections 1 through 5]"

4. Page 2, line 15.
Strike: "[this act]"
Insert: "[sections 1 through 5]"

5. Page 2, line 23.
Strike: "[this act]"
Insert: "[sections 1 through 5]"

6. Page 3, line 10.
Strike: "[this act]"
Insert: "[sections 1 through 5]"

7. Page 4, lines 8 and 9.
Strike: "[this act]"
Insert: "[sections 1 through 5]"

8. Page 4, line 11.
Strike: "[this act]"
Insert: "[sections 1 through 5]"

9. Page 4, line 20.
Strike: "[This act]"
Insert: "[Sections 1 through 5]"

10. Page 4, line 21.
Strike: "1981"
Insert: "1982"
Strike: "[this act] is"
Insert: "[sections 1 through 5] are"

Amendments passed by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stimatz, Story, Thomas, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Stephens, Towe.
Total 2

Absent or not voting: None.
Total 0

That House Bill No. 740 be amended. Motion failed by the following vote:

Ayes: Aklestad, Boylan, Dover, Elliott, Graham, Hafferman, Himsl, Lee, Manley, Nelson, Olson, Ryan, Severson, Story, Mr. President.
Total 15

Noes: Anderson, Berg, Blaylock, B. Brown, S. Brown, Conover, Eck, Etchart, Galt, Goodover, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Jacobson, Kolstad, Manning, Mazurek, McCallum, Ochsner, Regan, Smith, Tveit.
Total 25

Excused: Stephens, Towe.
Total 2

Absent or not voting: Crippen, Johnson, Keating, Norman, O'Hara, Stimatz, Thomas, Van Valkenburg.
Total 8

That House Bill No. 740, as amended, be concurred in by the following vote:

Ayes: Anderson, Berg, Blaylock, Boylan, B. Brown, Conover, Dover, Eck, Etchart, Galt, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Jacobson, Kolstad, Manning, Mazurek, Nelson, Ochsner, Regan, Severson, Smith, Tveit.
Total 26

Noes: Aklestad, S. Brown, Crippen, Elliott, Goodover, Graham, Hafferman, Himsl, Johnson, Keating, Manley, O'Hara, Olson, Ryan, Story, Mr. President.
Total 16

Excused: Stephens, Towe.
Total 2

Absent or not voting: Lee, McCallum, Norman, Stimatz, Thomas, Van Valkenburg.
Total 6

Upon motion of Senator Hazelbaker, without objection, that House Bill No. 749 be placed at the top of the board.

That House Bill No. 749 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stimatz, Story, Thomas, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Stephens, Towe.
Total 2

Absent or not voting: None.
Total 0

That House Bill No. 748 be concurred in by the following vote:

Ayes: Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, O'Hara, Olson, Regan, Ryan, Severson, Stimatz, Story, Thomas, Tveit, Van Valkenburg, Mr. President.
Total 45

Noes: Aklestad, Ochsner, Smith.
Total 3

Excused: Stephens, Towe.
Total 2

Absent or not voting: None.
Total 0

That House Bill No. 819 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stimatz, Story, Thomas, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Stephens, Towe.
Total 2

Absent or not voting: None.
Total 0

That House Joint Resolution No. 19 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stimatz, Story, Thomas, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Stephens, Towe.
Total 2

Absent or not voting: None.
Total 0

That House Amendments to Senate Bill No. 120 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Severson, Smith, Stimatz, Story, Thomas, Tveit, Van Valkenburg, Mr. President.
Total 46

Noes: Elliott, Ryan.
Total 2

Excused: Stephens, Towe.
Total 2

Absent or not voting: None.
Total 0

That House Amendments to Senate Bill No. 144 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stimatz, Story, Thomas, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Stephens, Towe.
Total 2

Absent or not voting: None.
Total 0

That House Amendments to Senate Bill No. 159 pass consideration. Unanimously passed.

That House Amendments to Senate Bill No. 427 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stimatz, Story, Thomas, Tveit, Van Valkenburg, Mr. President.
Total 47

Noes: Norman.
Total 1

Excused: Stephens, Towe.
Total 2

Absent or not voting: None.
Total 0

That the Committee rise and report. (Regan, Chairman)

Upon motion of Senator Regan, duly carried, the foregoing Report of the Committee of the Whole was adopted.

At the request of the President, and without objection, the Senate reverted to Order of Business No. 2.

REPORTS OF STANDING COMMITTEES

The Senate will please take note that the President did, at the hour of 5:15 p.m., 3/19/81, sign the following bills:
HB 104, HB 351, HB 407.

Jean A. Turnage
President

MOTIONS

Senator Smith moved, duly carried, that the President be authorized to appoint a Free Conference Committee of three to meet with a like committee from the House to confer on House Bill No. 9.

The President appointed the following committee:

Senator Crippen, Chairman
Senator Olson
Senator Ryan

Senator Smith moved, duly carried, that the President be authorized to appoint a Joint Conference Committee of three to meet with a like committee from the House to confer on House Bill No. 301.

The President appointed the following committee:

Senator O'Hara, Chairman
Senator Van Valkenburg
Senator Ryan

Senator Smith moved, duly carried, that the President be authorized to appoint a Free Conference Committee of three to meet with a like committee from the House to confer on House Bill No. 350.

The President appointed the following committee:

Senator Goodover, Chairman
Senator McCallum
Senator Hafferman

Upon motion of Senator Smith, duly carried, the Senate adjourned at 7:28 p.m. until Friday, March 20, at the hour of 3:00 p.m.

JEAN A. TURNAGE
President of the Senate

JOHN W. LARSON
Secretary of the Senate

SIXTY-SECOND LEGISLATIVE DAY

Helena, Montana
March 20, 1981

Senate Chambers
Capitol Building

Senate convened at 3:00 p.m., President Turnage presiding. Invocation by the Chaplain. Pledge of Allegiance to the Flag.

Roll call. All members present except Stephens, Towe, excused. Quorum present.

Mr. President: We, your Committee on Bills and Journal, having examined the daily journal for the Sixty-first Legislative Day, find the same to be correct.

O'HARA, Chairman

REPORTS OF STANDING COMMITTEES

TAXATION (Goodover, Chairman):
SB 172, introduced bill, be amended as follows:

1. Title, line 4.
Following: "AN ACT TO"
Insert: "INCREASE THE"
Following: "TAX"
Insert: "ON"

2. Title, lines 5 and 6.
Following: "ELECTRICITY" on line 5
Strike: remainder of text through "transmission system" on line 6
Insert: "FROM $.0002 PER KILOWATT HOUR TO $.0005 PER KILOWATT HOUR"

3. Title, line 6.
Following: "ALLOCATING"
Strike: "TAXABLE VALUES"
Insert: "THE INCREASED TAX"
Following: "COUNTIES"
Insert: "THAT HAVE TAX EXEMPT TRANSMISSION SYSTEMS RUNNING THROUGH THEM"

4. Title, lines 7 through 9.
Strike: lines 7, 8, and 9
Insert: "AMENDING SECTIONS 15-51-101 AND 15-51-103, MCA; AND PROVIDING AN EFFECTIVE DATE."

5. Pages 1 through 3.
Strike: all of the bill following the enacting clause
Insert: "Section 1. Section 15-51-101, MCA, is amended to read:

"15-51-101. Rate of tax — electrical energy producers. In addition to the license tax now provided by law, each person or other organization now engaged in the generation, manufacture, or production of electricity and electrical energy in the state of Montana, either through waterpower or by any other means, for barter, sale, or exchange (and hereinafter referred to as the "producer") shall on or before the 30th day after each calendar quarter, quarterly periods ending March 31, June 30, September 30, and December 31, render a statement to the department of revenue showing the gross amount, except for actual and necessary plant use, required to produce the energy of electricity and electrical energy produced, manufactured, or generated during the preceding calendar quarter

without any deduction and shall pay a license tax thereon in the sum of ~~$.0002~~ $.0005 per kilowatt hour on all such electricity and electrical energy generated, manufactured, or produced, measured at the place of production and as shown on the statement required in the manner and within the time hereinafter provided."

Section 2. Section 15-51-103, MCA, is amended to read:

"15-51-103. Disposition of revenue — interest on delinquency. The department of revenue shall receipt therefor and promptly turn ~~the same~~ 40% of the amount collected over to the state treasurer and the remaining 60% shall be disposed of under the provisions of [sections 3 through 5]. Taxes not met on the due date shall become delinquent, and a penalty of 10% plus interest at the rate of 1% per month or fraction of a month computed on the total of tax and penalty shall be charged."

NEW SECTION. Section 3. Transmission system defined. For purposes of [sections 3 through 5] the term "transmission system" means an electrical energy transmission system that is exempt from property taxation because it is owned by the federal, state, or local government or agency thereof.

NEW SECTION. Section 4. Department of Revenue to assess transmission systems. The Department of Revenue shall assess the transmission systems located in each county as though they were privately owned and subject to Montana's property tax.

NEW SECTION. Section 5. Apportionment among counties. The department of revenue shall distribute 60% of the electrical energy producers tax imposed by 15-51-101 among the counties according to the ratio that each county's assessed value of the transmission systems located in that county bears to the total assessed value of all transmission systems in the state.

Section 6. Effective date. This act is effective on January 1, 1982 and applies to taxable years beginning after December 31, 1981."

And, as so amended, do pass. Report adopted.

SB 409, second reading copy, be amended as follows:

1. Title, line 12.
Following: "BONDS;"
Insert: "REQUIRING A LIMITED APPROPRIATION OF INCOME AND INTEREST FROM THE COAL SEVERANCE TAX TRUST;"

2. Page 3, line 5.
Following: "projects."
Insert: "The storage of water for existing and future beneficial uses shall be given a high priority."

3. Page 5, line 17.
Following: "program to"
Strike: "promote"
Insert: "protect and enhance"

4. Page 5, line 22.
Following: "nonpoint source uses, the"
Strike: "promotion"
Insert: "protection and enhancement"

5. Page 13, line 2.
Following: "shall consider"
Strike: "both"
Insert: "only"

6. Page 13, line 3.
Following: "tangible"
Strike: "and intangible"

7. Page 14, line 7.
Following: "activity;"
Strike: "and"

8. Page 14, line 11.
Following: "activity"
Insert: "; and (6) if the application is for a grant the applicant must share in the cost of the project so that the grant may not exceed 25% of the total project cost"

9. Page 22, line 24.
Following: "treasurer"
Insert: "in accordance with the pledge of the full faith and credit and taxing powers of the state"

10. Page 25, line 25.
Following: "bonds"
Insert: "that have been approved by act of the legislature"

11. Page 27, line 10.
Following: "funds"
Insert: "(1)"

12. Page 27, line 14.
Following: "funds"
Insert: "except as provided in subsection (2)"

13. Page 27, line 16.
Following: "subfund"
Strike: remaining text of the sentence

14. Page 27.
Following: line 17
Insert: "(2) Beginning on July 1, 1983, the legislature shall appropriate 15% of the income and earnings from all subfunds to be deposited to the coal severance tax permanent subfund each year. The funds appropriated to the coal severance tax permanent subfund under this subsection may not be further appropriated except by vote of ¾ of the members of each house of the legislature."

15. Page 28, line 2.
Following: "examiners"
Insert: ", upon approval of the legislature as hereinafter provided,"

16. Page 28, line 3.
Following: "finance"
Insert: "such approved"

17. Page 28, line 7.
Following: "issue."
Insert: "Each project, activity, other capital improvement or other item of development shall be separately approved as to amount by the legislature."

18. Page 28, line 15.
Following: "issue"
Insert: "for a specific purpose and in a specific amount"

19. Page 35, line 9.
Following: "No more than"
Strike: "$500"
Insert: "$250"

20. Page 45.
Following: line 4
Insert: "Section 53. Coordination instruction. (1) The bonds authorized under [section 29] may not be issued unless:

(a) HB _____ [LC 1477] is passed and approved by a ¾ vote of each house of the legislature; or

(b) another bill authorizing the debts and appropriating the funds pledged for their repayment is passed and approved by a ¾ vote of each house of the legislature.

(2) In addition to the requirements of subsection (1), the legislature must specifically approve each project, activity, capital improvement or item of development before the bonds to finance that project, activity, capital improvement or item of development may be issued.

(3) The bonds authorized under [section 18] may not be issued unless a bill authorizing the debt created by the sale of the bonds and appropriating the funds pledged for their repayment is passed and approved by ⅔ vote of each house of the legislature."
Renumber: subsequent sections

And, as so amended, do pass. Report adopted.

SJR 26, do pass. Report adopted.

AGRICULTURE, LIVESTOCK AND IRRIGATION (Galt, Chairman):
HB 488, third reading copy, be amended as follows:

1. Title, lines 4 through 6.
Strike: "REVISE THE AMOUNT AND ALLOCATION OF THE WHEAT RESEARCH AND MARKETING ASSESSMENT"
Insert: "CONTINUOUSLY APPROPRIATE MONEY DEPOSITED IN THE WHEAT RESEARCH AND MARKETING ACCOUNT TO THE WHEAT RESEARCH AND MARKETING COMMITTEE"
Following: "AMENDING" on line 6
Strike: "SECTION"
Insert: "SECTIONS"
Following: "80-11-206"
Insert: "AND 80-11-222"

2. Page 1, lines 14 through 19.
Insert: all stricken material

3. Page 2, line 25 through line 7 on page 3.
Strike: these lines in their entirety
Insert: "(2) Money deposited in the wheat research and marketing account pursuant to 80-11-210 is appropriated to the committee for purposes of wheat research and marketing under this part.

(3) The committee may be assessed costs by the department for the services it provides upon request or pursuant to 2-15-121. However, the costs charged must have a substantial relationship to the cost of services supplied."

4. Page 3.
Following: line 7
Insert: "Section 3. Section 80-11-222, MCA, is amended to read:

"80-11-222. Powers of department. The department may contract with both private and government organizations to provide for research, development, production, and marketing of ~~fuels~~ feeds and foods derived from the byproducts of alcohol production of wheat and barley. This includes but is not limited to agreements with the department of natural resources and conservation to fund grants provided for in Title 90, chapter 4, part 1.""
Renumber: subsequent sections

5. Page 3, line 11.
Following: "section"
Insert: "2."

6. Page 3, line 14.
Following: "date."
Strike: "This"
Insert: "(1) Except as provided in subsection (2), this"

7. Page 3.
Following: line 15
Insert: "(2) Subsections (2) and (3) of section 2 are effective on July 1, 1983."

And, as so amended, be concurred in. Report adopted.

HIGHWAYS AND TRANSPORTATION (Etchart, Chairman):
HB 440, be concurred in. Report adopted.

STATE ADMINISTRATION (Story, Chairman):
HB 26, third reading copy, be amended as follows:

1. Page 3, line 12.
Following: "THE"
Insert: "STUDY,"
Following: "DESIGN"
Insert: ","

And, as so amended, be concurred in. Report adopted.

HB 135, third reading copy, be amended as follows:

1. Page 1, line 15.
Following: "~~Montana~~."
Insert: "Employment service must be of an instructional nature or be employment as an administrative officer or a member of the scientific staff. Employment service does not include students employed by a private elementary, secondary, or post-secondary educational institution."

2. Page 1, line 23.
Following: "system"
Insert: "or returning to the retirement system, whichever is later,"

3. Page 2, line 5.

Following: "board."
Insert: "The provisions of 19-4-405 apply to creditable service purchased under this section."

And, as so amended, be concurred in. Report adopted.

HB 789, be concurred in. Report adopted.

TAXATION (Goodover, Chairman):
HB 370, third reading copy, be amended as follows:

1. Page 1, line 19.
Following: "~~thereof~~."
Insert: "The gross sales proceeds shall be determined by multiplying the units of production sold from the well times the royalty unit value of that production at the well."

And, as so amended, be concurred in. Report adopted.

HIGHWAYS AND TRANSPORTATION (Etchart, Chairman):
HJR 27, be concurred in. Report adopted.
HJR 33, be concurred in. Report adopted.

LABOR AND EMPLOYMENT RELATIONS (Nelson, Chairman):
HJR 25, third reading copy, be amended as follows:

1. Page 2.
Following: line 16
Insert: "BE IT FURTHER RESOLVED, that in the course of this interim study that the issues also be studied of protection of employers and school districts from liability for events arising in the course of employment of young persons subject to child labor laws."

And, as so amended, be concurred in. Report adopted.

HIGHWAYS AND TRANSPORTATION (Etchart, Chairman):
HB 364, be not concurred in.

Thereupon, the Adverse Committee Report was not adopted by the following roll call vote:

Ayes: Blaylock, Conover, Etchart, Goodover, Graham, Halligan, Healy, Himsl, Johnson, Keating, Manley, Manning, McCallum, Nelson, Norman, Smith, Story, Van Valkenburg, Mr. President.
Total 19

Noes: Aklestad, Anderson, Berg, Boylan, B. Brown, S. Brown, Crippen, Dover, Eck, Elliott, Galt, Hafferman, Hammond, Hazelbaker, Jacobson, Kolstad, Lee, Mazurek, Ochsner, Olson, Regan, Ryan, Severson, Stimatz, Tveit.
Total 25

Excused: Stephens, Towe.
Total 2

Absent or not voting: Haffey, Hager, O'Hara, Thomas.
Total 4

LABOR AND EMPLOYMENT RELATIONS (Nelson, Chairman):
HB 414, be not concurred in.

Thereupon, the Adverse Committee Report was adopted by the following roll call vote:

Ayes: Berg, Blaylock, B. Brown, S. Brown, Conover, Crippen, Eck, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan,

Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Severson, Smith, Stimatz, Story, Tveit, Van Valkenburg, Mr. President.
Total 38

Noes: Aklestad, Anderson, Boylan, Dover, Keating, Kolstad, Lee, Ryan.
Total 8

Excused: Stephens, Towe.
Total 2

Absent or not voting: Elliott, Thomas.
Total 2

MESSAGES FROM THE GOVERNOR

March 19, 1981

The Honorable Jean A. Turnage
President of the Senate
State Capitol
Helena, Montana 59620

Dear Mr. President:

This is to inform you that I have signed the following measures this date:

Senate Bill Nos. 35, 60, 71, 103, 106, 299, 365, 395, 440.

Sincerely,

TED SCHWINDEN
Governor

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following Senate Bills were on 3/19/81, not concurred in on Second Reading, and returned to the Senate:

Senate Bill No. 265, introduced by Hager

Senate Bill No. 271, introduced by Ryan

The House on 3/19/81, authorized the Speaker to appoint a Conference Committee to confer on House Amendments to Senate Bill No. 15.

The Speaker appointed the following members:

Representative Vinger, Chairman
Representative Sales
Representative Williams

MOTIONS

Motion was made by Senator McCallum, duly carried, that House Bill No. 192 be taken from Second Reading and rereferred to the Committee on Local Government.

Motion was made by Senator Blaylock, duly carried, that House Bill No. 364 be placed on Second Reading this day.

FIRST READING OF BILLS

The following Senate Joint Resolution was introduced, read first time and referred to committee:

SJR 32, introduced by Goodover, Hemstad. Referred to Committee on State Administration.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

Senate Bill No. 42 was passed by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Galt, Graham, Haffey, Hager, Halligan, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Regan, Severson, Smith, Stimatz, Story, Thomas, Tveit, Van Valkenburg.
Total 37

Noes: Boylan, Etchart, Goodover, Hafferman, Hammond, Hazelbaker, Lee, Manley, Olson, Ryan, Mr. President.
Total 11

Excused: Stephens, Towe.
Total 2

Absent or not voting: None.
Total 0

Senate Bill No. 291 was passed by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stimatz, Story, Thomas, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Stephens, Towe.
Total 2

Absent or not voting: None.
Total 0

House Bill No. 96 was concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, Olson, Regan, Ryan, Severson, Smith, Stimatz, Story, Thomas, Tveit, Van Valkenburg, Mr. President.
Total 47

Noes: None.
Total 0

Excused: Stephens, Towe.
Total 2

Absent or not voting: O'Hara.

Total 1

House Bill No. 106 was concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stimatz, Story, Thomas, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Stephens, Towe.
Total 2

Absent or not voting: None.
Total 0

House Bill No. 110 was concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stimatz, Story, Thomas, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Stephens, Towe.
Total 2

Absent or not voting: None.
Total 0

House Bill No. 238 was concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Hafferman, Haffey, Hager, Halligan, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Ryan, Severson, Smith, Stimatz, Thomas, Tveit, Van Valkenburg, Mr. President.
Total 42

Noes: Boylan, Graham, Hammond, Manley, Regan, Story.
Total 6

Excused: Stephens, Towe.
Total 2

Absent or not voting: None.
Total 0

House Bill No. 239 was concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Hafferman, Haffey,

Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Smith, Stimatz, Story, Thomas, Tveit, Van Valkenburg, Mr. President.
Total 43

Noes: Boylan, Graham, Manley, Manning, Severson.
Total 5

Excused: Stephens, Towe.
Total 2

Absent or not voting: None.
Total 0

House Bill No. 265 was concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stimatz, Story, Thomas, Tveit, Van Valkenburg, Mr. President.
Total 47

Noes: Ochsner.
Total 1

Excused: Stephens, Towe.
Total 2

Absent or not voting: None.
Total 0

House Bill No. 288 was concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Graham, Haffey, Hager, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Severson, Smith, Stimatz, Story, Thomas, Tveit, Van Valkenburg.
Total 39

Noes: Boylan, Goodover, Hafferman, Halligan, Hammond, Lee, Manley, Ryan, Mr. President.
Total 9

Excused: Stephens, Towe.
Total 2

Absent or not voting: None.
Total 0

House Bill No. 321 was concurred in by the following vote:

Ayes: Aklestad, Anderson, Boylan, B. Brown, Conover, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Ryan, Severson, Smith, Stimatz, Story, Thomas, Tveit, Mr. President.
Total 37

Noes: Berg, Blaylock, S. Brown, Crippen, Dover, Eck, Elliott, Halligan, Olson, Regan, Van Valkenburg.

Total 11

Excused: Stephens, Towe.
Total 2

Absent or not voting: None.
Total 0

House Bill No. 379 was concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Severson, Smith, Stimatz, Story, Thomas, Tveit, Van Valkenburg, Mr. President.
Total 47

Noes: Ryan.
Total 1

Excused: Stephens, Towe.
Total 2

Absent or not voting: None.
Total 0

House Bill No. 439 was concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Severson, Smith, Stimatz, Story, Thomas, Tveit, Van Valkenburg, Mr. President.
Total 46

Noes: Manley, Ryan.
Total 2

Excused: Stephens, Towe.
Total 2

Absent or not voting: None.
Total 0

House Bill No. 457 was concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Boylan, B. Brown, S. Brown, Conover, Crippen, Eck, Elliott, Etchart, Galt, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Jacobson, Johnson, Keating, Kolstad, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Regan, Severson, Smith, Stimatz, Story, Thomas, Tveit, Van Valkenburg, Mr. President.
Total 39

Noes: Dover, Goodover, Hafferman, Himsl, Lee, Manley, Olson, Ryan.
Total 8

Excused: Stephens, Towe.
Total 2

Absent or not voting: Blaylock.
Total 1

House Bill No. 510 was concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stimatz, Story, Thomas, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Stephens, Towe.
Total 2

Absent or not voting: None.
Total 0

House Bill No. 534 was concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stimatz, Story, Thomas, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Stephens, Towe.
Total 2

Absent or not voting: None.
Total 0

House Bill No. 546 was concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stimatz, Story, Thomas, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Stephens, Towe.
Total 2

Absent or not voting: None.
Total 0

House Bill No. 547 was concurred in by the following vote:

Ayes: Aklestad, Anderson, Boylan, B. Brown, S. Brown, Crippen, Elliott, Etchart, Galt, Graham, Hafferman, Haffey, Hager, Halligan, Hammond,

Hazelbaker, Healy, Himsl, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Norman, Ochsner, O'Hara, Severson, Smith, Stimatz, Story, Tveit, Van Valkenburg.
Total 34

Noes: Berg, Blaylock, Conover, Dover, Eck, Goodover, Jacobson, Johnson, Nelson, Olson, Regan, Ryan, Thomas, Mr. President.
Total 14

Excused: Stephens, Towe.
Total 2

Absent or not voting: None.
Total 0

House Bill No. 593 was concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stimatz, Story, Thomas, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Stephens, Towe.
Total 2

Absent or not voting: None.
Total 0

House Bill No. 596 was concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Severson, Smith, Stimatz, Story, Thomas, Tveit, Van Valkenburg, Mr. President.
Total 46

Noes: Manley, Ryan.
Total 2

Excused: Stephens, Towe.
Total 2

Absent or not voting: None.
Total 0

House Bill No. 690 was concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stimatz, Story, Thomas, Tveit, Van Valkenburg, Mr. President.
Total 47

Noes: None.
Total 0

Excused: Stephens, Towe.
Total 2

Absent or not voting: Keating.
Total 1

House Bill No. 775 was concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Norman, Ochsner, O'Hara, Olson, Regan, Severson, Stimatz, Story, Thomas, Van Valkenburg, Mr. President.
Total 43

Noes: Hafferman, Nelson, Ryan, Smith, Tveit.
Total 5

Excused: Stephens, Towe.
Total 2

Absent or not voting: None.
Total 0

House Bill No. 812 was concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stimatz, Story, Thomas, Tveit, Van Valkenburg, Mr. President.
Total 47

Noes: Eck.
Total 1

Excused: Stephens, Towe.
Total 2

Absent or not voting: None.
Total 0

House Joint Resolution No. 32 was concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stimatz, Story, Thomas, Tveit, Van Valkenburg, Mr. President.
Total 47

Noes: S. Brown.
Total 1

Excused: Stephens, Towe.
Total 2

Absent or not voting: None.

Total 0

House Amendments to Senate Bill No. 26 were concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stimatz, Story, Thomas, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Stephens, Towe.
Total 2

Absent or not voting: None.
Total 0

House Amendments to Senate Bill No. 112 were concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stimatz, Story, Thomas, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Stephens, Towe.
Total 2

Absent or not voting: None.
Total 0

House Amendments to Senate Bill No. 178 were concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stimatz, Story, Thomas, Tveit, Van Valkenburg, Mr. President.
Total 47

Noes: None.
Total 0

Excused: Stephens, Towe.
Total 2

Absent or not voting: Manley.
Total 1

At the request of Senator Smith, and without objection, the Senate reverted to Order of Business No. 8.

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Keating in the Chair.

Senate resumed. President Turnage in the Chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on Second Reading, recommend as follows:

That House Bill No. 811 pass consideration. Unanimously passed.

That House Amendments to Senate Bill No. 159 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stimatz, Story, Thomas, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Stephens, Towe.
Total 2

Absent or not voting: None.
Total 0

That Senate Joint Resolution No. 24 do pass by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stimatz, Story, Thomas, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Stephens, Towe.
Total 2

Absent or not voting: None.
Total 0

That House Bill No. 69 be concurred in by the following vote:

Ayes: Anderson, B. Brown, S. Brown, Goodover, Hafferman, Haffey, Halligan, Healy, Himsl, Jacobson, Johnson, Keating, Manning, McCallum, Nelson, Ochsner, O'Hara, Olson, Severson, Smith, Stimatz, Thomas, Tveit, Van Valkenburg.
Total 24

Noes: Aklestad, Berg, Blaylock, Crippen, Dover, Eck, Elliott, Galt, Graham, Hammond, Hazelbaker, Kolstad, Lee, Manley, Mazurek, Norman, Regan, Ryan, Story.
Total 19

Excused: Stephens, Towe.
Total 2

Absent or not voting: Boylan, Conover, Etchart, Hager, Mr. President.
Total 5

That House Bill No. 98 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stimatz, Story, Thomas, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Stephens, Towe.
Total 2

Absent or not voting: None.
Total 0

That House Bill No. 147 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stimatz, Story, Thomas, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Stephens, Towe.
Total 2

Absent or not voting: None.
Total 0

That House Bill No. 257 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stimatz, Story, Thomas, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Stephens, Towe.
Total 2

Absent or not voting: None.
Total 0

That House Bill No. 270 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, B. Brown, Crippen, Elliott, Etchart, Galt, Hager, Hammond, Himsl, Johnson, Keating, Kolstad, Lee, McCallum, Nelson, O'Hara, Olson, Severson, Story, Tveit, Mr. President.
Total 23

Noes: Blaylock, S. Brown, Conover, Eck, Graham, Hafferman, Haffey, Halligan, Hazelbaker, Healy, Jacobson, Mazurek, Ochsner, Regan, Ryan, Smith, Stimatz, Thomas, Van Valkenburg.
Total 19

Excused: Stephens, Towe.
Total 2

Absent or not voting: Boylan, Dover, Goodover, Manley, Manning, Norman.
Total 6

That House Bill No. 302 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stimatz, Story, Thomas, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Stephens, Towe.
Total 2

Absent or not voting: None.
Total 0

Senator Keating relinquished the Chair.

Senator Elliott assumed the Chair.

That House Bill No. 430 be concurred in. Motion failed by the following vote:

Ayes: Aklestad, Anderson, Boylan, Crippen, Elliott, Galt, Goodover, Hammond, Keating, Manley, Nelson, Olson, Severson, Tveit.
Total 14

Noes: Berg, Blaylock, B. Brown, S. Brown, Conover, Eck, Hafferman, Haffey, Hager, Halligan, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Kolstad, Manning, Mazurek, McCallum, Norman, Ochsner, O'Hara, Regan, Ryan, Smith, Stimatz, Story, Thomas, Van Valkenburg, Mr. President.
Total 30

Excused: Stephens, Towe.
Total 2

Absent or not voting: Dover, Etchart, Graham, Lee.
Total 4

That House Bill No. 430 be indefinitely postponed. Motion carried by the following vote:

Ayes: Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Eck, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Kolstad, Manning, Mazurek, McCallum, Norman, Ochsner, O'Hara, Regan, Ryan, Severson, Smith, Stimatz, Story, Thomas, Van Valkenburg, Mr. President.
Total 35

Noes: Aklestad, Crippen, Elliott, Galt, Hammond, Manley, Nelson, Olson, Tveit.
Total 9

Excused: Stephens, Towe.
Total 2

Absent or not voting: Dover, Etchart, Keating, Lee.
Total 4

Senator Elliott relinquished the Chair.

Senator Keating assumed the Chair.

That House Bill No. 473 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stimatz, Story, Thomas, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Stephens, Towe.
Total 2

Absent or not voting: None.
Total 0

That House Bill No. 540 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stimatz, Story, Thomas, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Stephens, Towe.
Total 2

Absent or not voting: None.

Total 0

That House Bill No. 584 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stimatz, Story, Thomas, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Stephens, Towe.
Total 2

Absent or not voting: None.
Total 0

That House Bill No. 626 be concurred in by the following vote:

Ayes: Aklestad, Boylan, B. Brown, Dover, Elliott, Galt, Goodover, Graham, Hafferman, Hager, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, McCallum, Nelson, Ochsner, O'Hara, Olson, Ryan, Severson, Smith, Stimatz, Story, Tveit, Mr. President.
Total 30

Noes: Anderson, Berg, Blaylock, S. Brown, Conover, Crippen, Eck, Etchart, Haffey, Halligan, Hammond, Manley, Manning, Mazurek, Norman, Regan, Thomas, Van Valkenburg.
Total 18

Excused: Stephens, Towe.
Total 2

Absent or not voting: None.
Total 0

That the Committee rise and report and beg leave to sit again. (Keating, Chairman)

Upon motion of Senator Keating, duly carried, the foregoing Report of the Committee of the Whole was adopted.

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Keating in the Chair.

Senate resumed. President Turnage in the Chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on Second Reading, recommend as follows:

That House Bill No. 643 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan,

Severson, Smith, Stimatz, Story, Thomas, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Stephens, Towe.
Total 2

Absent or not voting: None.
Total 0

That House Bill No. 661 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stimatz, Story, Thomas, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Stephens, Towe.
Total 2

Absent or not voting: None.
Total 0

That House Bill No. 667 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stimatz, Story, Thomas, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Stephens, Towe.
Total 2

Absent or not voting: None.
Total 0

That House Bill No. 693, without objection, be placed at the bottom of the board.

That House Bill No. 711 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stimatz, Story, Thomas, Tveit, Van Valkenburg, Mr. President.

Total 47

Noes: Mazurek.
Total 1

Excused: Stephens, Towe.
Total 2

Absent or not voting: None.
Total 0

That House Bill No. 712 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stimatz, Story, Thomas, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Stephens, Towe.
Total 2

Absent or not voting: None.
Total 0

That House Bill No. 732 be amended as follows:

1. Title, line 5.
Following: "TO"
Strike: "DELETE"
Insert: "AMEND"

2. Title, line 6.
Following: line 5
Strike: "REQUIREMENT"
Insert: "OATH"

3. Title, line 7.
Following: "TO"
Strike: "AN OATH"

4. Title, line 8.
Following: "AMENDING"
Strike: "SECTIONS"
Insert: "SECTION"
Following: "20-4-104"
Strike: "AND 20-4-201"

5. Page 2, lines 5 through 10.
Insert: all stricken language through "Montana" on line 10, and following "Montana" the words: "and discharge the duties and responsibilities of my service with fidelity."

6. Page 2, line 20 through page 4, line 7.
Strike: Section 2 in its entirety

Amendments passed by the following vote:

Ayes: Aklestad, Anderson, Dover, Etchart, Galt, Goodover, Graham, Hafferman, Hager, Hammond, Johnson, Kolstad, Lee, Manley, McCallum, Nelson, Ochsner, O'Hara, Olson, Ryan, Severson, Smith, Story, Tveit.
Total 24

Noes: Berg, Blaylock, B. Brown, S. Brown, Conover, Crippen, Eck, Elliott, Haffey, Halligan, Hazelbaker, Healy, Himsl, Jacobson, Keating, Manning, Mazurek, Norman, Regan, Stimatz, Thomas, Van Valkenburg, Mr. President.
Total 23

Excused: Stephens, Towe.
Total 2

Absent or not voting: Boylan.
Total 1

That House Bill No. 732, as amended, be concurred in by the following vote:

Ayes: Aklestad, Berg, Blaylock, Boylan, S. Brown, Conover, Dover, Eck, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stimatz, Story, Thomas, Tveit, Van Valkenburg.
Total 41

Noes: Anderson, B. Brown, Crippen, Elliott, Hazelbaker, Mazurek, Mr. President.
Total 7

Excused: Stephens, Towe.
Total 2

Absent or not voting: None.
Total 0

Senator Elliott moved that House Bill No. 712 be segregated from the Committee of the Whole Report. Motion carried by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stimatz, Story, Thomas, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Stephens, Towe.
Total 2

Absent or not voting: None.
Total 0

Senator Regan moved that House Bill No. 732 be segregated from the Committee of the Whole Report. Motion carried by the following vote:

Ayes: Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Eck, Haffey, Hager, Halligan, Hazelbaker, Healy, Jacobson, Keating,

Kolstad, Manning, Mazurek, Norman, Regan, Stimatz, Story, Thomas, Van Valkenburg, Mr. President.
Total 25

Noes: Aklestad, Crippen, Dover, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Hammond, Himsl, Johnson, Lee, Manley, McCallum, Nelson, Ochsner, O'Hara, Olson, Ryan, Severson, Smith, Tveit.
Total 23

Excused: Stephens, Towe.
Total 2

Absent or not voting: None.
Total 0

Upon motion of Senator Keating, duly carried, the foregoing Report of the Committee of the Whole, was adopted.

At the request of the President, and without objection, the Senate reverted to Order of Business No. 2.

REPORTS OF STANDING COMMITTEES

The Senate will please take note that the President did, at the hour of 4:00 p.m., 3/20/81, sign the following bills:
SB 2, SB 49, SB 155, SB 161, SB 450.

Jean A. Turnage
President

BILLS (O'Hara, Chairman):
Correctly enrolled - SB 2, SB 49, SB 155, SB 161, SB 450. Report adopted.

I have examined Senate Bill No. 450 introduced by me and find the same to be correct. (McCallum)

I have examined Senate Bill No. 161 introduced by me and find the same to be correct. (Mazurek)

I have examined Senate Bill No. 155 introduced by me and find the same to be correct. (McCallum)

I have examined Senate Bill No. 49 introduced by me and find the same to be correct. (Eck)

I have examined Senate Bill No. 2 introduced by me and find the same to be correct. (Himsl)

Upon motion of Senator Smith, duly carried, the Senate adjourned at 6:12 p.m. until Saturday, March 21, at the hour of 3:00 p.m.

JEAN A. TURNAGE
President of the Senate

JOHN W. LARSON
Secretary of the Senate

SIXTY-THIRD LEGISLATIVE DAY

Helena, Montana
March 21, 1981

Senate Chambers
Capitol Building

Senate convened at 3:00 p.m., President Pro Tempore Kolstad presiding. Invocation by the Chaplain. Pledge of Allegiance to the Flag.

Roll call. All members present except Stephens, Story, Manning, excused. Quorum present.

Mr. President: We, your Committee on Bills and Journal, having examined the daily journal for the Sixty-second Legislative Day, find the same to be correct.

O'HARA, Chairman

REPORTS OF STANDING COMMITTEES

PRINTING (O'Hara, Chairman):
Correctly printed and placed on the members' desks - SJR 26. Report adopted.

Correctly engrossed - SJR 24. Report adopted.

The Senate will please take note that the President did, at the hour of 10:30 a.m., 3/21/81, sign the following bills:
HB 495, HB 685.

Jean A. Turnage
President

Signed by the Speaker of the House and President of the Senate, 3/21/81, at the hour of 11:00 a.m., delivered to the Governor for his approval-SB 2, SB 49, SB 155, SB 161, SB 450. Report adopted.

LOCAL GOVERNMENT (McCallum, Chairman):
SJR 28, do pass. Report adopted.

NATURAL RESOURCES (Dover, Chairman):
SJR 31, do pass. Report adopted.

BUSINESS AND INDUSTRY (Hazelbaker, Chairman):
HB 377, be concurred in. Report adopted.
HB 378, be concurred in. Report adopted.
HB 380, be concurred in. Report adopted.

HB 385, third reading copy, be amended as follows:

1. Page 5, line 2.
Following: "AND"
Strike: "PERSONAL"
Insert: "personnel"

2. Page 6, lines 2 through 5.
Strike: Section 4 in its entirety

And, as so amended, be concurred in. Report adopted.

HB 425, be concurred in. Report adopted.

HB 578, third reading copy, be amended as follows:

1. Title, lines 5 and 6.
Following: "PROCEDURES;"

Strike: remainder of line 5 through "PURPOSE" on line 6
Insert: "APPROPRIATING FUNDING FOR A LICENSING CENTER"

2. Page 2, line 4.
Following: line 3
Insert: "Title 75,"

3. Page 2, line 18.
Following: "including"
Insert: "gathering of information that facilitates"

4. Page 2, lines 19 and 20.
Following: "certificate"
Strike: remainder of line 19 through "paid" on line 20

5. Page 3, line 3.
Following: "provide"
Strike: "technical"

6. Page 3, line 25 through line 7 on page 5.
Strike: Sections 5 and 6 in their entirety
Renumber: subsequent sections

7. Page 6, line 4.
Following: "by"
Strike: "November 1, 1981"
Insert: "March 1, 1982"

And, as so amended, be concurred in. Report adopted.

Statement of Intent, HB 578, third reading copy, be amended as follows:

1. Statement of Intent, pages 1 and 2.
Strike: Statement of Intent in its entirety

And, as so amended, be concurred in. Report adopted.

HB 692, third reading copy, be amended as follows:

1. Page 2, line 6.
Following: "~~$50~~"
Strike: "$25 PER BRAND"
Insert: "$50"

And, as so amended, be concurred in. Report adopted.

HB 710, be concurred in. Report adopted.

LOCAL GOVERNMENT (McCallum, Chairman):
HB 357, be concurred in. Report adopted.

HB 498, third reading copy, be amended as follows:

1. Page 1.
Following: line 16
Insert: "construction,"
Following: "REPAIR"
Insert: ","

2. Page 1, lines 18 and 19.
Following: "$10,000"
Strike: the remainder of line 18 through "$4,000," on line 19

3. Page 2, line 17.

Following: "IN"
Strike: "75-5-4302(1)"
Insert: "7-5-4302(1)"

And, as so amended, be concurred in. Report adopted.

HB 562, third reading copy, be amended as follows:

1. Title, line 8.
Following: "MCA"
Insert: "; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE"

2. Page 3.
Following: line 25 on page 2
Insert: "Section 2. Effective date. This act is effective on passage and approval."

And, as so amended, be concurred in. Report adopted.

NATURAL RESOURCES (Dover, Chairman):
HB 398, third reading copy, be amended as follows:

1. Page 4.
Following: line 1
Insert: "Section 4. Coordination instruction. If Senate Bill 141 is passed and approved, section 4 of Senate Bill 141 pertaining to the awarding of loans under 90-4-106, shall be subject to the provisions of House Bill 398."

And, as so amended, be concurred in. Report adopted.

STATE ADMINISTRATION (Story, Chairman):
HB 197, third reading copy, be amended as follows:

1. Title, line 8.
Following: "19-3-805,"
Insert: "19-3-902,"

2. Title, line 10.
Following: "MCA"
Insert: "; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE"

3. Page 11, line 20.
Following: line 19
Insert: "Section 6. Section 19-3-902, MCA, is amended to read:

"19-3-902. Eligibility for early retirement. A member who is not eligible for service retirement but has attained age ~~55~~ 50 and completed 5 years of qualified service is eligible for early retirement. A member who has completed 25 years or more of state service is eligible for early retirement.""
Renumber: subsequent sections

4. Page 11, line 21.
Following: "allowance."
Insert: "(1)"

5. Page 11, line 25.
Following: "60"
Insert: "or upon completion of 30 years of creditable service"

6. Page 12, lines 1 and 2.

Following: "19-3-904"
Strike: "The actuarial reduction shall be ½ of 1% for each month preceding the member's 60th birthday."
Insert: "(2) The early retirement allowance shall be determined as prescribed in 19-3-904 with the exception that the allowance must be reduced as follows:

(a) by ½ of 1% multiplied by the number of months up to a maximum of 60 months by which the retirement date precedes the date on which he would have retired had he attained 60 years of age or had he completed 30 years of creditable service; and

(b) by 3/10 of 1% multiplied by the number of months in excess of the 60 months in subsection (2)(a) but not to exceed 60 additional months that the retirement date precedes the date on which he would have retired had he attained 60 years of age or had completed 30 years of creditable service."

7. Page 14.
Following: line 7
Insert: "Section 13. Effective date. This act is effective on passage and approval."

And, as so amended, be concurred in. Report adopted.

BUSINESS AND INDUSTRY (Hazelbaker, Chairman):
HJR 29, third reading copy, be amended as follows:

1. Page 2, line 18.
Following: "Representatives"
Insert: "to be selected by the leaders of the respective parties"

2. Page 2, line 20.
Following: "Senate"
Insert: "to be selected by the leaders of the respective parties"

And, as so amended, be concurred in. Report adopted.

NATURAL RESOURCES (Dover, Chairman):
HJR 40, be concurred in. Report adopted.

MESSAGES FROM THE GOVERNOR

March 20, 1981

The Honorable Jean A. Turnage
President of the Senate
State Capitol
Helena, Montana 59620

Dear Mr. President:

This is to inform you that I have signed the following measures this date:

Senate Bill Nos. 184, 119, 36, 34, 111, 406.

Sincerely,

TED SCHWINDEN
Governor

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following Senate Bills were on 3/20/81, concurred in, and returned to the Senate:

Senate Bill No. 14, introduced by Towe (78-15)

Senate Bill No. 16, introduced by Smith (92-1)

Senate Bill No. 80, introduced by Turnage (88-4)

Senate Bill No. 134, introduced by Elliott (83-10)

Senate Bill No. 183, introduced by Hammond (92-0)

The following Senate Bill was on 3/20/81, not concurred in on Committee Report, and returned to the Senate:

Senate Bill No. 277, introduced by Van Valkenburg

The following Senate Bills were on 3/20/81, concurred in as amended, and returned to the Senate for concurrence in House Amendments:

Senate Bill No. 83, introduced by Mazurek (86-7)

Senate Bill No. 110, introduced by Story (90-3)

The following House Joint Resolution was on 3/20/81, passed and transmitted to the Senate for concurrence:

House Joint Resolution No. 48, introduced by O'Hara (79-13)

The following House Bill was on 3/20/81, passed and transmitted to the Senate for concurrence:

House Bill No. 18, introduced by Nordtvedt (66-27)

The following Senate Bills were on 3/21/81, not concurred in on Committee Report, and returned to the Senate:

Senate Bill No. 343, introduced by Aklestad

Senate Bill No. 465, introduced by Ochsner

The following Senate Bills were on 3/21/81, concurred in as amended, and returned to the Senate for concurrence in House Amendments:

Senate Bill No. 228, introduced by Regan (80-12)

Senate Bill No. 230, introduced by Hager (77-13)

Senate Bill No. 232, introduced by Stimatz (90-2)

Senate Bill No. 241, introduced by Hazelbaker (92-0)

Senate Bill No. 256, introduced by Hammond (89-2)

The following Senate Bills were on 3/21/81, concurred in and returned to the Senate:

Senate Bill No. 164, introduced by S. Brown (83-5)

Senate Bill No. 187, introduced by Graham (92-0)

Senate Bill No. 215, introduced by Mazurek (88-4)

Senate Bill No. 247, introduced by Regan (75-16)

Senate Bill No. 267, introduced by Mazurek (75-17)

FIRST READING OF BILLS

The following House bill was introduced, read first time and referred to committee:

HB 18, introduced by Nordtvedt, Cozzens, Andreason, (By Request of the Revenue Oversight Committee). Referred to Committee on Taxation.

The following House Joint Resolution was introduced, read first time and referred to committee:

HJR 48, introduced by D. O'Hara, Spilker, Fagg, Fabrega, Nordtvedt. Referred to Committee on Natural Resources.

At the request of the President Pro Tempore, and without objection, the Senate reverted to Order of Business No. 6.

MOTIONS

Upon motion of Senator Etchart, duly carried, that House Bill No. 440 be taken from the Committee on Bills and Journal and placed on Second Reading, Wednesday, March 25th, following House Bill No. 595.

Upon motion of Senator B. Brown, that House Bill No. 463, on Third Reading this day, be returned to Second Reading. Motion carried by the following vote:

Ayes: Anderson, Boylan, B. Brown, S. Brown, Crippen, Dover, Eck, Elliott, Etchart, Galt, Graham, Haffey, Hammond, Himsl, Johnson, Keating, Manley, Mazurek, McCallum, Nelson, Ochsner, O'Hara, Olson, Severson, Smith, Thomas, Tveit, Mr. President.
Total 28

Noes: Aklestad, Berg, Blaylock, Conover, Goodover, Hafferman, Hager, Halligan, Hazelbaker, Healy, Jacobson, Kolstad, Lee, Manning, Norman, Regan, Ryan, Stimatz, Towe, Van Valkenburg.
Total 20

Excused: Stephens, Story.
Total 2

Absent or not voting: None.
Total 0

Senator Regan moved that House Bill No. 811 pass consideration. Unanimously passed.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

House Bill No. 15 was concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stimatz, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Stephens, Story.
Total 2

Absent or not voting: None.

Total 0

House Bill No. 35 was concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stimatz, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Stephens, Story.
Total 2

Absent or not voting: None.
Total 0

House Bill No. 284 was concurred in by the following vote:

Ayes: Aklestad, Anderson, Blaylock, Boylan, B. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stimatz, Thomas, Towe, Tveit.
Total 44

Noes: Berg, S. Brown, Van Valkenburg, Mr. President.
Total 4

Excused: Stephens, Story.
Total 2

Absent or not voting: None.
Total 0

House Bill No. 367 was concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stimatz, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Stephens, Story.
Total 2

Absent or not voting: None.
Total 0

House Bill No. 409 was concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham,

Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stimatz, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 47

Noes: Lee.
Total 1

Excused: Stephens, Story.
Total 2

Absent or not voting: None.
Total 0

House Bill No. 411 was concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stimatz, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Stephens, Story.
Total 2

Absent or not voting: None.
Total 0

House Bill No. 435 was concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Jacobson, Johnson, Keating, Kolstad, Lee, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stimatz, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 44

Noes: Goodover, Hafferman, Himsl, Manley.
Total 4

Excused: Stephens, Story.
Total 2

Absent or not voting: None.
Total 0

House Bill No. 462 was concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stimatz, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.

Total 48

Noes: None.
Total 0

Excused: Stephens, Story.
Total 2

Absent or not voting: None.
Total 0

House Bill No. 492 was concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Ryan, Severson, Smith, Stimatz, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 46

Noes: Conover, Regan.
Total 2

Excused: Stephens, Story.
Total 2

Absent or not voting: None.
Total 0

House Bill No. 525 was concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stimatz, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 47

Noes: Hafferman.
Total 1

Excused: Stephens, Story.
Total 2

Absent or not voting: None.
Total 0

House Bill No. 528 was concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stimatz, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Stephens, Story.

Total 2

Absent or not voting: None.
Total 0

House Bill No. 535 was concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stimatz, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Stephens, Story.
Total 2

Absent or not voting: None.
Total 0

House Bill No. 537 was concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stimatz, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Stephens, Story.
Total 2

Absent or not voting: None.
Total 0

House Bill No. 550 was concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stimatz, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 47

Noes: Hafferman.
Total 1

Excused: Stephens, Story.
Total 2

Absent or not voting: None.
Total 0

House Bill No. 573 was concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stimatz, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Stephens, Story.
Total 2

Absent or not voting: None.
Total 0

House Bill No. 607 was concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stimatz, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Stephens, Story.
Total 2

Absent or not voting: None.
Total 0

House Bill No. 621 was concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stimatz, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Stephens, Story.
Total 2

Absent or not voting: None.
Total 0

House Bill No. 630 was concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek,

McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Severson, Smith, Stimatz, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 47

Noes: Ryan.
Total 1

Excused: Stephens, Story.
Total 2

Absent or not voting: None.
Total 0

House Bill No. 636 was concurred in by the following vote:

Ayes: Anderson, Berg, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Graham, Hafferman, Haffey, Hager, Hammond, Hazelbaker, Healy, Jacobson, Johnson, Keating, Kolstad, Lee, Manning, Mazurek, McCallum, Ochsner, O'Hara, Olson, Severson, Smith, Stimatz, Thomas, Tveit, Van Valkenburg.
Total 35

Noes: Aklestad, Blaylock, Boylan, Goodover, Halligan, Himsl, Manley, Nelson, Norman, Regan, Ryan, Story, Towe, Turnage.
Total 14

Excused: Stephens.
Total 1

Absent or not voting: None.
Total 0

(Including the following pair: Smith, aye - Story, no.)

House Bill No. 702 was concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stimatz, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Stephens, Story.
Total 2

Absent or not voting: None.
Total 0

House Bill No. 740 was concurred in by the following vote:

Ayes: Anderson, Berg, Blaylock, Boylan, B. Brown, Conover, Crippen, Eck, Etchart, Galt, Hafferman, Haffey, Hager, Hammond, Hazelbaker, Healy, Jacobson, Kolstad, Lee, Manning, Mazurek, McCallum, O'Hara, Regan, Ryan, Smith, Stimatz, Thomas, Towe, Tveit, Mr. President.
Total 31

Noes: Aklestad, S. Brown, Dover, Elliott, Goodover, Graham, Halligan, Himsl, Johnson, Keating, Manley, Nelson, Norman, Ochsner, Olson, Severson, Story, Van Valkenburg.

Total 18

Excused: Stephens.
Total 1

Absent or not voting: None.
Total 0

(Including the following pair: Smith, aye - Story, no.)

House Bill No. 748 was concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stimatz, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Stephens, Story.
Total 2

Absent or not voting: None.
Total 0

House Bill No. 749 was concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, O'Hara, Olson, Regan, Ryan, Severson, Stimatz, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 44

Noes: Blaylock, Himsl, Ochsner, Smith.
Total 4

Excused: Stephens, Story.
Total 2

Absent or not voting: None.
Total 0

House Bill No. 819 was concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stimatz, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Stephens, Story.

Total 2

Absent or not voting: None.
Total 0

House Joint Resolution No. 19 was concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stimatz, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Stephens, Story.
Total 2

Absent or not voting: None.
Total 0

House Joint Resolution No. 22 was concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stimatz, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 47

Noes: Halligan.
Total 1

Excused: Stephens, Story.
Total 2

Absent or not voting: None.
Total 0

House Amendments to Senate Bill No. 120 were concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stimatz, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Stephens, Story.
Total 2

Absent or not voting: None.

Total 0

House Amendments to Senate Bill No. 144 were concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stimatz, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Stephens, Story.
Total 2

Absent or not voting: None.
Total 0

House Amendments to Senate Bill No. 427 were concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stimatz, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Stephens, Story.
Total 2

Absent or not voting: None.
Total 0

At the request of the President Pro Tempore, and without objection, the Senate reverted to Order of Business No. 8.

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Eck in the Chair.

Senate resumed. President Pro Tempore Kolstad in the Chair.

Mr. President Pro Tempore: We, your Committee of the Whole, having had under consideration business on Second Reading, recommend as follows:

That House Bill No. 763 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek,

McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stimatz, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 47

Noes: Elliott.
Total 1

Excused: Stephens, Story.
Total 2

Absent or not voting: None.
Total 0

That House Bill No. 833 be concurred in by the following vote:

Ayes: Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Ryan, Severson, Stimatz, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 43

Noes: Aklestad, Keating, Olson, Regan, Smith.
Total 5

Excused: Stephens, Story.
Total 2

Absent or not voting: None.
Total 0

That Governor's Amendments to Senate Bill No. 166 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stimatz, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Stephens, Story.
Total 2

Absent or not voting: None.
Total 0

That House Bill No. 693 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stimatz, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Stephens, Story.
Total 2

Absent or not voting: None.
Total 0

That House Bill No. 712, third reading copy, be amended as follows:

1. Page 1, lines 14 through 18.
Following: "office"
Strike: the remainder of these lines
Insert: "this position shall be considered open and subject to nomination and election at the next general municipal election in the same manner as the election of any other person holding the same office, except the term of office shall be limited to the unexpired term of the person who originally created the vacancy. Pending such election and qualification the council shall, by a majority vote of the members, appoint a person within 30 days of the vacancy to hold the office until his successor is elected and qualified"

Amendment passed by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stimatz, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Stephens, Story.
Total 2

Absent or not voting: None.
Total 0

That House Bill No. 712, as amended, be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stimatz, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Stephens, Story.
Total 2

Absent or not voting: None.
Total 0

That the Committee rise and report and beg leave to sit again. (Eck, Chairman)

Upon motion of Senator Eck, duly carried, the foregoing Report of the Committee of the Whole was adopted.

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Eck in the Chair.

Senate resumed. President Pro Tempore Kolstad in the Chair.

Mr. President Pro Tempore: We, your Committee of the Whole, having had under consideration business on the Second Reading, recommend as follows:

That House Bill No. 732 be amended.

The Chair rules on the propriety of the amendments with the following vote:

Ayes: Berg, Blaylock, B. Brown, S. Brown, Crippen, Eck, Haffey, Hager, Halligan, Hazelbaker, Healy, Jacobson, Keating, Manning, Mazurek, Norman, Regan, Stimatz, Thomas, Towe, Van Valkenburg, Mr. President.
Total 22

Noes: Aklestad, Anderson, Boylan, Dover, Elliott, Etchart, Galt, Hafferman, Hammond, Himsl, Johnson, Kolstad, Lee, Manley, McCallum, Nelson, Ochsner, O'Hara, Olson, Ryan, Severson, Smith, Tveit.
Total 23

Excused: Stephens, Story.
Total 2

Absent or not voting: Conover, Goodover, Graham.
Total 3

That the Committee rise and report and beg leave to sit again. (Eck, Chairman)

Upon motion of Senator Eck, duly carried, the foregoing Report of the Committee of the Whole was adopted.

At the request of the President Pro Tempore, and without objection, the Senate reverted to Order of Business No. 6.

MOTIONS

Upon motion of Senator Turnage, duly carried, the Senate recessed subject to the Call of the Chair.

Senate recessed at 4:06 p.m.

Senate resumed at 4:18 p.m.

Senator Hazelbaker reported for the Rules Committee that the proposed amendments could be considered.

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Eck in the Chair.

Senate resumed. President Pro Tempore Kolstad in the Chair.

Mr. President Pro Tempore: We, your Committee of the Whole, having had under consideration business on Second Reading, recommend as follows:

That House Bill No. 732 be amended. Motion failed by the following vote:

Ayes: Aklestad, Anderson, Boylan, Dover, Etchart, Galt, Hammond, Johnson, Lee, Manley, McCallum, Nelson, Ochsner, O'Hara, Olson, Ryan, Severson, Smith, Tveit.
Total 19

Noes: Berg, Blaylock, B. Brown, S. Brown, Conover, Crippen, Eck, Hafferman, Haffey, Halligan, Hazelbaker, Healy, Himsl, Jacobson, Keating, Kolstad, Mazurek, Norman, Regan, Stimatz, Thomas, Towe, Van Valkenburg, Mr. President.
Total 24

Excused: Stephens, Story.
Total 2

Absent or not voting: Elliott, Goodover, Graham, Hager, Manning.
Total 5

That House Bill No. 732 be concurred in by the following vote:

Ayes: Anderson, Berg, Blaylock, B. Brown, S. Brown, Conover, Crippen, Eck, Haffey, Hager, Halligan, Healy, Himsl, Jacobson, Keating, Kolstad, Mazurek, Norman, Regan, Stimatz, Thomas, Towe, Van Valkenburg, Mr. President.
Total 24

Noes: Aklestad, Boylan, Dover, Etchart, Galt, Hafferman, Hammond, Hazelbaker, Johnson, Lee, Manley, Manning, McCallum, Nelson, Ochsner, O'Hara, Olson, Ryan, Severson, Smith, Tveit.
Total 21

Excused: Stephens, Story.
Total 2

Absent or not voting: Elliott, Goodover, Graham.
Total 3

That House Bill No. 174 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stimatz, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Stephens, Story.
Total 2

Absent or not voting: None.
Total 0

That House Bill No. 263 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stimatz, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Stephens, Story.
Total 2

Absent or not voting: None.
Total 0

That House Bill No. 264 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stimatz, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Stephens, Story.
Total 2

Absent or not voting: None.
Total 0

That House Bill No. 275 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stimatz, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Stephens, Story.
Total 2

Absent or not voting: None.
Total 0

That House Bill No. 304 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum,

Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stimatz, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 47

Noes: Hafferman.
Total 1

Excused: Stephens, Story.
Total 2

Absent or not voting: None.
Total 0

That the Committee rise and report and beg leave to sit again. (Eck, Chairman)

Upon motion of Senator Eck, duly carried, the foregoing Report of the Committee of the Whole was adopted.

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Eck in the Chair.

Senate resumed. President Pro Tempore Kolstad in the Chair.

Mr. President Pro Tempore: We your Committee of the Whole, having had under consideration business on Second Reading, recommend as follows:

That House Bill No. 424 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stimatz, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Stephens, Story.
Total 2

Absent or not voting: None.
Total 0

That House Bill No. 467 be concurred in by the following vote:

Ayes: Anderson, Berg, B. Brown, Conover, Dover, Eck, Galt, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Kolstad, Lee, Manning, Mazurek, Regan, Smith, Thomas, Towe, Van Valkenburg, Mr. President.
Total 23

Noes: Aklestad, S. Brown, Elliott, Etchart, Jacobson, Johnson, Keating, Manley, McCallum, Nelson, Norman, Ochsner, Olson, Ryan.
Total 14

Excused: Stephens, Story.
Total 2

Absent or not voting: Blaylock, Boylan, Crippen, Goodover, Graham, Hafferman, Healy, O'Hara, Severson, Stimatz, Tveit.

Total 11

That House Bill No. 520 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stimatz, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Stephens, Story.
Total 2

Absent or not voting: None.
Total 0

That House Bill No. 613 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stimatz, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Stephens, Story.
Total 2

Absent or not voting: None.
Total 0

That House Bill No. 704 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stimatz, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Stephens, Story.
Total 2

Absent or not voting: None.
Total 0

That House Joint Resolution No. 45 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stimatz, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Stephens, Story.
Total 2

Absent or not voting: None.
Total 0

That the Committee rise and report. (Eck, Chairman)

Upon motion of Senator Eck, duly carried, the foregoing Report of the Committee of the Whole was adopted.

At the request of the President Pro Tempore, and without objection, the Senate reverted to Order of Business No. 2.

REPORTS OF STANDING COMMITTEES

I have examined Senate Bill No. 127 introduced by me and find the same to be correct. (Norman)

I have examined Senate Bill No. 85 introduced by me and find the same to be correct. (Dover)

I have examined Senate Bill No. 117 introduced by me and find the same to be correct. (Dover)

I have examined Senate Bill No. 170 introduced by me and find the same to be correct. (Towe)

I have examined Senate Bill No. 264 introduced by me and find the same to be correct. (S. Brown)

I have examined Senate Bill No. 281 introduced by me and find the same to be correct. (Van Valkenburg)

I have examined Senate Bill No. 389 introduced by me and find the same to be correct. (Himsl)

I have examined Senate Bill No. 394 introduced by me and find the same to be correct. (S. Brown)

PRINTING (O'Hara, Chairman):
Correctly printed and placed on the members' desks - SB 172, SB 409. Report adopted.

BILLS (O'Hara, Chairman):
Correctly enrolled - SB 85, SB 117, SB 127, SB 170, SB 264, SB 281, SB 389, SB 394. Report adopted.

The Senate will please take note that the President did, at the hour of 4:00 p.m., 3/21/81, sign the following bills:
SB 85, SB 117, SB 127, SB 264, SB 389.

Jean A. Turnage

President

The Senate will please take note that the President did, at the hour of 5:10 p.m., 3/21/81, sign the following bills:
SB 170, SB 281, SB 394.

Jean A. Turnage
President

Upon motion of Senator Smith, duly carried, the Senate adjourned at 5:34 p.m. until Monday, March 23, at the hour of 3:00 p.m.

ALLEN C. KOLSTAD
President Pro Tempore of the Senate

JOHN W. LARSON
Secretary of the Senate

SIXTY-FOURTH LEGISLATIVE DAY

Helena, Montana
March 23, 1981

Senate Chambers
Capitol Building

Senate convened at 3:00 p.m., President Turnage presiding. Invocation by the Chaplain. Pledge of Allegiance to the Flag.

Roll call. All members present except Graham, excused. Quorum present.

Mr. President: We, your Committee on Bills and Journal, having examined the daily journal for the Sixty-third Legislative Day, find the same to be correct.

O'HARA, Chairman

REPORTS OF STANDING COMMITTEES

PRINTING (O'Hara, Chairman):
Correctly printed and placed on the members' desks - SJR 28, SJR 31. Report adopted.

TAXATION (Goodover, Chairman):
SB 126, do pass. Report adopted.
SB 337, do pass. Report adopted.

SB 466, introduced bill, be amended as follows:

1. Page 7, line 18.
Following: "demonstrate"
Strike: "motor vehicles"
Insert: ", for no more than 72 hours, an authorized vehicle"

2. Page 7, line 20.
Following: "license"
Strike: the remainder of subsection (i) through "individual" on line 22

3. Page 7, lines 23 and 24.
Following: "on"
Strike: "motor"
Insert: "authorized"
Following: "owned"
Strike: ", held for sale and, in fact, available for sale"

4. Page 7, line 25 through page 8, line 1.
Following: "dealer"
Strike: ". Any such vehicle so operated may be"
Insert: "and"

5. Page 8, lines 2 and 3.
Following: "equipment"
Strike: "totaling less than 500 pounds"

6. Page 8, line 4.
Following: "on"
Strike: "motor"
Insert: "authorized"

7. Page 8, lines 5 and 6.
Following: "on"
Strike: "motor"
Insert: "authorized"

Following: "from a "
Strike: "motor vehicle"

8. Page 8, lines 7 and 8.
Following: "on"
Strike: "motor"
Insert: "authorized"
Following: "from"
Strike: "motor vehicle"

9. Page 8, lines 9 and 10.
Following: "on"
Strike: "motor"
Insert: "authorized"
Following: "from"
Strike: "motor vehicle"

And, as so amended, do pass. Report adopted.

SB 476, introduced bill, be amended as follows:

1. Title, line 6.
Following: "MUNICIPALITIES"
Strike: ", SPECIAL IMPROVEMENT DISTRICTS, SPECIAL TAXING DISTRICTS, AND OTHER POLITICAL SUBDIVISIONS"
Insert: "AND SCHOOL DISTRICTS"

2. Page 1, line 25.
Following: "by"
Strike: "counties,"
Following: "towns"
Strike: ","
Insert: "or"

3. Page 2, line 1.
Following: "districts"
Strike: ", special taxing districts, or other political subdivisions or public corporations"

4. Page 4, line 7.
Following: "any"
Strike: "county,"

5. Page 4, line 8.
Following: "municipality, or"
Strike: "municipal corporation;"
Following: "district"
Strike: ";"

6. Page 4, line 9 through line 14.
Following: line 8
Strike: line 9 through "commission" on line 14

And, as so amended, do pass. Report adopted.

JUDICIARY (Anderson, Chairman):
SJR 30, do pass. Report adopted.

HIGHWAYS AND TRANSPORTATION (Etchart, Chairman):
HB 595, be concurred in. Report adopted.

JUDICIARY (Anderson, Chairman):

HB 162, be concurred in. Report adopted.

HB 209, third reading copy, be amended as follows:

1. Page 2, line 2.
Following: line 2
Insert: "or"

2. Page 2, lines 3 through 5.
Strike: subsection (b) in its entirety
Reletter: the following subsection

And, as so amended, be concurred in. Report adopted.

HB 220, be concurred in. Report adopted.
HB 246, be concurred in. Report adopted.
HB 678, be concurred in. Report adopted.
HB 698, be concurred in. Report adopted.
HB 713, be concurred in. Report adopted.

HB 773, third reading copy, be amended as follows:

1. Page 1, following line 14.
Insert: "(b) whether the conviction was by verdict or plea;"
Renumber: subsequent subsections

2. Page 2, line 6.
Following: "case"
Insert: "by attaching an extract of that portion of the judgment setting forth the basis for the sentence"

3. Page 2, line 10.
Following: "a"
Strike: "monthly"
Insert: "quarterly"

4. Page 2, line 12.
Following: "(1)"
Strike: "or"
Insert: "and"

And, as so amended, be concurred in. Report adopted.

HB 824, be concurred in. Report adopted.

NATURAL RESOURCES (Dover, Chairman):
HB 600, third reading copy, be amended as follows:

1. Page 2, line 3.
Following: "2."
Insert: "(1)"

2. Page 2, line 11.
Following: line 10
Strike: "(1)" on line 11
Insert: "(a)"

3. Page 2, line 13.
Following: line 12
Strike: "(2)"
Insert: "(b)"

4. Page 2, line 16.
Following: line 15

Strike: "(3)"
Insert: "(c)"

5. Page 2, line 17.
Following: ";"
Strike: "AND"

6. Page 2, line 18.
Following: line 17
Strike: "(4)"
Insert: "(d)"

7. Page 2, line 19.
Following: "RESERVATIONS"
Insert: "; and

(e) 20% shall be designated for such other projects as the department considers appropriate.

(2) If qualified applications are not received by the department to meet the allocations set forth in subsection 1, the remaining allocation shall be designated for qualified projects in (a), (b), (c), (d), or (e) of subsection 1"

And, as so amended, be concurred in. Report adopted.

TAXATION (Goodover, Chairman):
HB 569, be concurred in. Report adopted.

STATE ADMINISTRATION (Story, Chairman):
HJR 41, be concurred in. Report adopted.

LEGISLATIVE ADMINISTRATION (Kolstad, Chairman):
Respectfully reports as follows:

That the following attaches of the Senate be terminated as of 5:00 p.m. on Saturday, March 21, 1981:

John Kalbfleisch.....Page
Katherine Gaffke.....Page
Barbara Blaylock.....Page
Jeri Ludwig.....Page
Kristi Alter.....Page
Janet Kuchenbrod.....Page
Jodi Stugelmeyer.....Page

That the following attaches of the Senate be employed as of 8:00 a.m. on Monday, March 23, 1981:

Katie Bickle.....Page
Max Brehm.....Page
Karen Hanson.....Page
Sarah McDonald.....Page
Ann McKittrick.....Page
Kevin Nelson.....Page
Geno Thornquist.....Page
David Olson.....Page
Mary Daniels.....Page

Report adopted.

JUDICIARY (Anderson, Chairman):
HB 612, be not concurred in.

Thereupon, the Adverse Committee Report was adopted by the following roll call vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Goodover, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Graham.
Total 1

Absent or not voting: Galt.
Total 1

PUBLIC HEALTH, WELFARE AND SAFETY (Hager, Chairman):
HB 717, be not concurred in.

Thereupon, the Adverse Committee Report was adopted by the following roll call vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, Conover, Crippen, Eck, Elliott, Etchart, Galt, Goodover, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Manley, Manning, McCallum, Nelson, Norman, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 42

Noes: S. Brown, Dover, Keating, Kolstad, Lee, Mazurek, Ochsner.
Total 7

Excused: Graham.
Total 1

Absent or not voting: None.
Total 0

REPORTS OF SELECT COMMITTEES

FREE CONFERENCE COMMITTEE
ON SENATE BILL NO. 72
Report No. 1, March 18, 1981

MR. PRESIDENT AND SPEAKER OF THE HOUSE:

We, your Free Conference Committee on Senate Bill No. 72, met March 18, 1981, and considered:

House Committee on State Administration Amendments, dated March 5, 1981, and recommend as follows:

That Senate Bill No. 72, reference copy, be amended as follows:

That the Senate accede to the House Amendments with the following exception:

That Amendment No. 6 be amended to read:

6. Page 3.
Following: line 14
Insert: "Section 2. Section 13-27-315, MCA, is amended to read:

"13-27-315. Statements by attorney general on issues referred by legislature. (1) Upon receipt of a copy of a ballot form under 13-27-310(2) for an issue proposed by the legislature, the attorney general shall order a fiscal note as provided in 13-27-312(1) if the issue has an effect on the revenues, expenditures, or the fiscal liability of the state. At the same time the explanatory statement is prepared under subsection (2), the attorney general shall prepare a fiscal statement of no more than 50 words to be forwarded to the secretary of state at the same time as the explanatory statement.

~~(1)~~ (2) At the same time the attorney general, pursuant to 13-27-313, informs the secretary of state of the approval or rejection of a ballot form for an issue proposed by the legislature, the attorney general shall forward to the secretary of state a statement, not exceeding 100 words, expressing a true and impartial explanation of the purpose of the measure in plain, easily understood language. The statement may not be an argument and may not be written to create a prejudice for or against the issue. The statement prepared under this section is known as the attorney general's explanatory statement.

~~(2)~~ (3) If statements of the implication of a vote for or against a ballot issue have not been provided by the legislature, the attorney general shall prepare the statements. Requirements for statements of implication for ballot issues referred by the legislature are the same as those provided in 13-27-312 for other ballot issues. Statements of implication prepared by the attorney general must be returned to the secretary of state no later than the time specified for approval of the ballot form.""
Renumber: subsequent sections

And further, that the reference copy be amended as follows:

1. Page 2, line 18.
Following: "than"
Strike: "25"
Insert: "50"

2. Page 2, line 20.
Following: "than"
Strike: "25"
Insert: "50"

3. Page 4, line 1.
Following: "than"
Strike: "25"
Insert: "50"

And, that the Free Conference Committee Report on Senate Bill No. 72 be adopted.

FOR THE SENATE:

Senator Galt, Chairman
Senator Hazelbaker
Senator Hafferman

FOR THE HOUSE:

Representative Feda, Chairman
Representative Spilker
Representative Kanduch

Report adopted.

MOTIONS

Senator Hazelbaker moved, duly carried, that House Bill No. 132 be taken from the Committee on Business and Industry and be rereferred to the Committee on Local Government.

FIRST READING OF BILLS

The following Senate bills were introduced, read first time and referred to committees:

SB 485, introduced by Berg, Halligan, J. O'Hara, Tveit, Crippen, S. Brown, M. Anderson, B. Brown, Mazurek, Olson, (By Request of the Senate Judiciary Committee). Referred to Committee on Judiciary.

SB 486, introduced by Berg, Halligan, J. O'Hara, Tveit, Crippen, S. Brown, Olson, Mazurek, B. Brown, M. Anderson, (By Request of the Senate Judiciary Committee). Referred to Committee on Judiciary.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

Senate Joint Resolution No. 24 was passed by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Galt, Goodover, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 47

Noes: None.
Total 0

Excused: Graham.
Total 1

Absent or not voting: Etchart, Manning.
Total 2

House Bill No. 69 was not concurred in by the following vote:

Ayes: Anderson, B. Brown, S. Brown, Haffey, Halligan, Healy, Himsl, Jacobson, Johnson, Kolstad, Lee, McCallum, Nelson, Ochsner, Olson, Severson, Smith, Stephens, Stimatz, Thomas, Towe, Van Valkenburg, Mr. President.
Total 23

Noes: Aklestad, Berg, Blaylock, Boylan, Conover, Crippen, Dover, Eck, Elliott, Galt, Goodover, Hafferman, Hager, Hammond, Hazelbaker, Keating, Manley, Mazurek, Norman, O'Hara, Regan, Ryan, Story, Tveit.
Total 24

Excused: Graham.
Total 1

Absent or not voting: Etchart, Manning.
Total 2

House Bill No. 98 was concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Galt, Goodover, Hafferman, Haffey,

Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 47

Noes: None.
Total 0

Excused: Graham.
Total 1

Absent or not voting: Etchart, Manning.
Total 2

House Bill No. 112 was concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Graham.
Total 1

Absent or not voting: Manning.
Total 1

House Bill No. 147 was concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Graham.
Total 1

Absent or not voting: None.
Total 0

House Bill No. 257 was concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.

Total 49

Noes: None.
Total 0

Excused: Graham.
Total 1

Absent or not voting: None.
Total 0

House Bill No. 270 was concurred in by the following vote:

Ayes: Aklestad, Anderson, Boylan, B. Brown, Crippen, Dover, Elliott, Etchart, Galt, Hafferman, Haffey, Hager, Hammond, Hazelbaker, Healy, Johnson, Keating, Lee, Manley, Nelson, Norman, O'Hara, Olson, Severson, Stephens, Story.
Total 26

Noes: Berg, Blaylock, S. Brown, Conover, Eck, Goodover, Halligan, Himsl, Jacobson, Kolstad, Manning, Mazurek, McCallum, Ochsner, Regan, Ryan, Smith, Stimatz, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 23

Excused: Graham.
Total 1

Absent or not voting: None.
Total 0

House Bill No. 302 was concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Graham.
Total 1

Absent or not voting: None.
Total 0

House Bill No. 473 was concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Graham.

Total 1

Absent or not voting: None.
Total 0

House Bill No. 540 was concurred in by the following vote:

Ayes: Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg.
Total 47

Noes: Aklestad, Mr. President.
Total 2

Excused: Graham.
Total 1

Absent or not voting: None.
Total 0

House Bill No. 584 was concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Graham.
Total 1

Absent or not voting: None.
Total 0

House Bill No. 625 was concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, B. Brown, S. Brown, Conover, Crippen, Dover, Elliott, Etchart, Galt, Goodover, Hafferman, Haffey, Hager, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 43

Noes: Boylan, Eck, Halligan, Manley, Regan, Ryan.
Total 6

Excused: Graham.
Total 1

Absent or not voting: None.
Total 0

House Bill No. 626 was concurred in by the following vote:

Ayes: Aklestad, B. Brown, Conover, Crippen, Dover, Elliott, Galt, Goodover, Hafferman, Haffey, Hager, Healy, Jacobson, Johnson, Keating, Kolstad, McCallum, Nelson, Ochsner, O'Hara, Olson, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Tveit, Mr. President.
Total 30

Noes: Anderson, Berg, Blaylock, S. Brown, Eck, Etchart, Halligan, Hammond, Hazelbaker, Himsl, Lee, Manley, Manning, Mazurek, Norman, Regan, Towe, Van Valkenburg.
Total 18

Excused: Graham.
Total 1

Absent or not voting: Boylan.
Total 1

House Bill No. 642 was concurred in by the following vote:

Ayes: Aklestad, Anderson, Boylan, B. Brown, Dover, Elliott, Etchart, Galt, Goodover, Hafferman, Haffey, Hager, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, McCallum, Nelson, Ochsner, O'Hara, Olson, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Mr. President.
Total 38

Noes: Berg, Blaylock, S. Brown, Conover, Crippen, Eck, Halligan, Mazurek, Norman, Regan, Van Valkenburg.
Total 11

Excused: Graham.
Total 1

Absent or not voting: None.
Total 0

House Bill No. 643 was concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 47

Noes: Goodover, Ryan.
Total 2

Excused: Graham.
Total 1

Absent or not voting: None.
Total 0

House Bill No. 661 was concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.

Total 49

Noes: None.
Total 0

Excused: Graham.
Total 1

Absent or not voting: None.
Total 0

House Bill No. 667 was concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg.
Total 47

Noes: Smith.
Total 1

Excused: Graham.
Total 1

Absent or not voting: Mr. President.
Total 1

House Bill No. 711 was concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 47

Noes: Mazurek, Ryan.
Total 2

Excused: Graham.
Total 1

Absent or not voting: None.
Total 0

House Amendments to Senate Bill No. 159 were concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.

Total 0

Excused: Graham.
Total 1

Absent or not voting: Norman.
Total 1

At the request of the President, and without objection, the Senate reverted to Order of Business No. 8.

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Dover in the Chair.

Senate resumed. President Turnage in the Chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on Second Reading, recommend as follows:

That House Bill No. 135 pass consideration. Unanimously passed.

That House Bill No. 811 be amended as follows:

1. Title, line 7.
Following: line 6
Strike: "AND"
Insert: ";"
Following: "PROGRAM;"
Insert: "AND PROVIDING THAT COVERAGE PROVIDED BY PUBLIC PROGRAMS SHALL BE ACCEPTED AS PAYMENT IN FULL BY HOSPITALS PROVIDING TREATMENT;"

2. Page 2, line 21.
Following: "needs."
Insert: "Hospitals treating persons for chronic renal diseases, which treatment includes dialysis as a part thereof, shall, as to those patients whose care for such treatment is provided directly in whole or in part by public funds whether supplemented by any other source including insurance, accept payments from such sources as full satisfaction for services provided for such renal disease treatments."

Amendments passed by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Graham.
Total 1

Absent or not voting: None.
Total 0

That House Bill No. 811, as amended, be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Graham.
Total 1

Absent or not voting: None.
Total 0

That Senate Bill No. 172 pass consideration. Unanimously passed.

That Senate Bill No. 409 be amended. Amendment failed by the following vote:

Ayes: Berg, Blaylock, Crippen, Eck, Hafferman, Haffey, Hager, Halligan, Healy, Himsl, Jacobson, Johnson, Mazurek, Norman, Regan, Stimatz, Story, Towe, Mr. President.
Total 19

Noes: Aklestad, Anderson, S. Brown, Conover, Dover, Elliott, Etchart, Galt, Goodover, Hammond, Hazelbaker, Keating, Kolstad, Lee, Manley, Manning, Nelson, Ochsner, O'Hara, Olson, Severson, Smith, Stephens, Thomas, Tveit, Van Valkenburg.
Total 26

Excused: Graham.
Total 1

Absent or not voting: Boylan, B. Brown, McCallum, Ryan.
Total 4

That Senate Bill No. 409 be amended. Amendment failed by the following vote:

Ayes: Berg, Blaylock, B. Brown, S. Brown, Conover, Eck, Haffey, Halligan, Himsl, Jacobson, Johnson, Mazurek, Norman, Regan, Stimatz, Towe, Van Valkenburg.
Total 17

Noes: Aklestad, Anderson, Boylan, Dover, Elliott, Etchart, Galt, Goodover, Hafferman, Hammond, Hazelbaker, Healy, Keating, Kolstad, Manley, Manning, McCallum, Nelson, Ochsner, O'Hara, Olson, Ryan, Smith, Stephens, Story, Thomas, Tveit.
Total 27

Excused: Graham.
Total 1

Absent or not voting: Crippen, Hager, Lee, Severson, Mr. President.
Total 5

That Senate Bill No. 409 do pass by the following vote:

Ayes: Aklestad, Anderson, Berg, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Ochsner, O'Hara, Olson, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg.
Total 45

Noes: Blaylock, Norman, Regan, Mr. President.
Total 4

Excused: Graham.
Total 1

Absent or not voting: None.
Total 0

That Senate Joint Resolution No. 26 do pass by the following vote:

Ayes: Aklestad, Anderson, Boylan, B. Brown, Crippen, Dover, Elliott, Etchart, Galt, Goodover, Hafferman, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Johnson, Keating, Kolstad, Lee, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Ryan, Severson, Smith, Stephens, Story, Thomas, Tveit, Van Valkenburg.
Total 36

Noes: Berg, Blaylock, S. Brown, Conover, Eck, Haffey, Jacobson, Manning, Regan, Stimatz, Towe, Mr. President.
Total 12

Excused: Graham.
Total 1

Absent or not voting: Manley.
Total 1

That House Bill No. 26 be amended as follows:

1. Title, line 6.
Strike: "PRIVATE"

2. Page 1, line 13.
Strike: "private"

3. Page 1, line 18.
Strike: "private"

4. Page 1, line 23.
Strike: "private"

5. Page 2, line 23.
Strike: "Private consultant"
Insert: "Consultant"

6. Page 2, line 24.
Following: "services"
Strike: "OTHER THAN A STATE AGENCY OR EMPLOYEE"
Insert: "including other state agencies or employees"

7. Page 3, line 22.
Strike: "private"

8. Page 3, line 23.
Strike: "private"

9. Page 4, line 4.
Strike: "private"

10. Page 4, line 10.
Strike: "private"

11. Page 4, line 25.
Strike: "private"

12. Page 5, line 6.
Strike: "private"

13. Page 5, line 17.
Strike: "private"

14. Page 7, line 15.
Strike: "PRIVATE"

15. Page 7, line 18.
Strike: "PRIVATE"

16. Page 7, line 22.
Strike: "PRIVATE"

17. Page 7, line 23.
Strike: "PRIVATE"

18. Page 9, line 17.
Strike: "private"

19. Page 8, line 4.
Strike: "private"

Amendments passed by the following vote:

Ayes: Berg, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Goodover, Haffey, Hager, Halligan, Healy, Himsl, Jacobson, Manning, Mazurek, Nelson, Norman, O'Hara, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Thomas, Towe.
Total 28

Noes: Aklestad, Anderson, Galt, Hafferman, Hammond, Hazelbaker, Johnson, Kolstad, Olson, Story.
Total 10

Excused: Graham.
Total 1

Absent or not voting: Blaylock, Elliott, Etchart, Keating, Lee, Manley, McCallum, Ochsner, Tveit, Van Valkenburg, Mr. President.
Total 11

That House Bill No. 26, as amended, be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.

Total 0

Excused: Graham.
Total 1

Absent or not voting: None.
Total 0

That House Bill No. 343 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Graham.
Total 1

Absent or not voting: None.
Total 0

That House Bill No. 364 be concurred in by the following vote:

Ayes: Anderson, Berg, Boylan, B. Brown, S. Brown, Conover, Dover, Eck, Elliott, Hafferman, Hager, Halligan, Hammond, Hazelbaker, Jacobson, Johnson, Keating, Kolstad, Lee, Manning, Mazurek, McCallum, Nelson, Ochsner, O'Hara, Regan, Smith, Stimatz, Story, Thomas, Towe, Tveit.
Total 32

Noes: Aklestad, Blaylock, Crippen, Etchart, Galt, Goodover, Haffey, Healy, Himsl, Manley, Norman, Olson, Ryan, Severson, Stephens, Van Valkenburg, Mr. President.
Total 17

Excused: Graham.
Total 1

Absent or not voting: None.
Total 0

That House Bill No. 370 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Graham.
Total 1

Absent or not voting: None.

Total 0

That House Bill No. 408 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Graham.
Total 1

Absent or not voting: None.
Total 0

That the Committee rise and report. (Dover, Chairman)

Upon motion of Senator Dover, duly carried, the foregoing Report of the Committee of the Whole was adopted.

At the request of the President, and without objection, the Senate reverted to Order of Business No. 6.

MOTIONS

Senator Himsl moved that the Senate reconsider its action taken on House Bill No. 69, not concurred in on Third Reading this day. Motion carried by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: Ryan.
Total 1

Excused: Graham.
Total 1

Absent or not voting: None.
Total 0

Senator Severson moved, duly carried, that Senate Bill No. 126 be taken from the Committee on Bills and Journal and rereferred to the Committee on Taxation.

At the request of the President, and without objection, the Senate reverted to Order of Business No. 5.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following Senate Bills were on 3/23/81, concurred in as amended, and returned to the Senate for concurrence in House Amendments:

Senate Bill No. 137, introduced by J. Johnson (98-0)

Senate Bill No. 255, introduced by Turnage (93-6)

At the request of the President, and without objection, the Senate reverted to Order of Business No. 2.

REPORTS OF STANDING COMMITTEES

BILLS (O'Hara, Chairman):
Correctly enrolled - SB 26, SB 112, SB 173, SB 178. Report adopted.

Signed by the Speaker of the House and President of the Senate, 3/23/81, at the hour of 4:50 p.m., delivered to the Governor for his approval - SB 85, SB 117, SB 127, SB 170, SB 264, SB 281, SB 389, SB 394. Report adopted.

I have examined Senate Bill No. 26 introduced by me and find the same to be correct. (Norman)

I have examined Senate Bill No. 112 introduced by me and find the same to be correct. (Tveit)

I have examined Senate Bill No. 173 introduced by me and find the same to be correct. (Towe)

I have examined Senate Bill No. 178 introduced by me and find the same to be correct. (Lee)

The Senate will please take note that the President did, at the hour of 5:40 p.m., 3/23/81, sign the following bills:
SB 26, SB 112, SB 173, SB 178, HB 449.

Jean A. Turnage
President

Upon motion of Senator Stephens, duly carried, the Senate adjourned at 5:38 p.m. until Tuesday, March 24, at the hour of 3:00 p.m.

JEAN A. TURNAGE
President of the Senate

JOHN W. LARSON
Secretary of the Senate

SIXTY-FIFTH LEGISLATIVE DAY

Helena, Montana
March 24, 1981

Senate Chambers
Capitol Building

Senate convened at 3:00 p.m., President Pro Tempore Kolstad presiding. Invocation by the Chaplain. Pledge of Allegiance to the Flag.

Roll call. All members present except Graham, excused. Quorum present.

Mr. President: We, your Committee on Bills and Journal, having examined the daily journal for the Sixty-fourth Legislative Day, find the same to be correct.

O'HARA, Chairman

REPORTS OF STANDING COMMITTEES

PRINTING (O'Hara, Chairman):
Correctly printed and placed on the members' desks - SB 337, SB 466, SB 476, SJR 30. Report adopted.

BILLS (O'Hara, Chairman):
Correctly engrossed - SB 409, SJR 26. Report adopted.

PUBLIC, HEALTH, WELFARE AND SAFETY (Hager, Chairman)
SB 431, introduced bill, be amended as follows:

1. Title, line 6.
Following: "PRODUCTS;"
Strike: "AMENDING SECTION 15-30-111, MCA;"

2. Strike: all of the bill following the enacting clause
Insert: "Section 1. Short title. [This act] may be cited as the "Resource Recyling Act of 1981".

Section 2. PURPOSE. (1) It is the intent of the legislature to encourage the recycling of materials and products used in this state in order to conserve resources and energy and maintain the natural environment of the state as nearly litter free as possible and to encourage litter control and recycling.

(2) It is the belief of the legislature that official encouragement of private and public recovery of materials results in the recovery and reuse of major quantities of basic materials and a significant savings of energy.

(3) It is the belief of the legislature that a litter-free environment is possible through enactment of a strong and well-balanced program of litter prevention and public education, because it is people who litter, not the materials and products that become litter.

(4) The legislature acknowledges that the people of this state have expressed a desire for a comprehensive litter and recycling act administered by a single agency that will address all types of litter and enhance multiproduct recycling.

Section 3. Definitions. In [this act], unless the context requires otherwise, the following definitions apply:

(1) "Account" means the resource recycling account provided for in [section 9].

(2) "Department" means the department of health and environmental sciences provided for in Title 2, chapter 15, part 21.

(3) "Highways" means those roadways designated by law as primary or secondary highways of the state.

(4) "Litter" means all improperly discarded and uncontrolled waste material thrown or deposited on land or water.

(5) "Person" means any individual, partnership, business, corporation, organization, subdivision of the state or local government, or other legal entity of any kind.

(6) "Recycling" means the process of collecting, sorting, treating, and reusing a waste material.

(7) "Reuse" means the process of returning a commodity to the economic stream for reuse as a commodity.

Section 4. Advisory council. (1) There is an advisory council to the department that consists of seven members appointed by the governor as follows:

(a) a representative of either the retail or wholesale food industry;

(b) a representative of the recycling industry;

(c) a representative of an established environmental organization; and

(d) four other members.

(2) Members appointed to the council must be aware of and concerned with achieving the goals of [this act].

(3) Members serve at the pleasure of the governor.

(4) Members of the council shall serve without compensation but are entitled to per diem and travel expenses, as provided for in 2-18-501 through 2-18-503, for each day in attendance at council meetings.

Section 5. Meetings — duties. (1) The council shall meet at least four times a year.

(2)) The council shall:

(a) advise the department concerning litter reduction and increased recycling methods;

(b) encourage participation by industry, labor municipalities, organizations, and the public in programs established pursuant to [this act];

(c) evaluate reports and programs of the department established pursuant to [this act]; and

(d) following at least one public hearing, report to the 48th Montana legislature concerning:

(i) an evaluation of department programs established pursuant to [this act];

(ii) legislation to further programs judged successful by the council, if needed; and

(iii) termination of programs judged unsuccessful by the council.

Section 6. Duties of the department. (1) The department shall:

(a) serve as the coordinating agency between agencies of government and private persons involved in litter reduction, control, and collection and in recycling activities;

(b) encourage, organize, and coordinate voluntary local campaigns or campaigns developed by local persons seeking to focus public attention on programs to control litter and increase recycling;

(c) engage in educational programs to foster and sustain public awareness of litter;

(d) identify and adopt public relations and education programs;

(e) study, for the purpose of reporting to the advisory council no later than August 1, 1982:

(i) the status of recycling and reuse, including the respective percentage of total waste comprised, the rates of recycling and reuse, and the barriers to increased recycling and reuse for each of the following materials and products:

(A) aluminum and aluminum products;

(B) other nonferrous metals and nonferrous metal products;

(C) ferrous metal and ferrous metal products;

(D) glass and glass products;

(E) paper, including office paper, newspaper, computer cards and paper, corrugated paper, low-grade paper, and other paper products;

(F) plastic and plastic products;

(G) organic materials, including food and yard wastes;

(H) waste oil;

(I) wood and wood products; and

(J) textiles;

(ii) the strength of the secondary materials market for each of the materials listed in subsection (1)(e)(i), categorized as follows:
(A) stable market, with no additional incentives needed;

(B) weak market, with some additional incentives needed;

(C) potential market, with some additional incentives needed; or

(D) no forseeable market;

(iii) recommended legal or legislative action, if any, that the state of Montana can take to revise existing freight rates by the federal interstate commerce commission that discriminate against transportation of recycled materials; and

(f) adopt rules under the Montana Administrative Procedure Act necessary to implement the provisions of [this act].

(2) The department may:

(a) contract with any person for the pickup and removal of litter from public places;

(b) contract with any person for educational programs designed to create public awareness of litter problems, recycling, and compliance with the provisions of [this act]; and

(c) expend money from the account established in [section 9].

Section 7. Surveys — annual reports. (1) Within 12 months of July 1, 1981, the department shall conduct or contract with a public agency or private entity to conduct a survey measuring the amount, by item count, volume, and weight, and composition of litter in selected areas of the state. The areas to be surveyed shall be chosen consistent with the necessity of measurement of progress and the need for annual, consistent identification of littering rates. The specific areas surveyed must be representative of the geographic areas and land uses in the state.

(2) The department shall conduct annual surveys designed for comparison with earlier surveys and report to the governor and the legislature the status and progress achieved by the programs established in [this act].

Section 8. Resource recycling account — creation — expenditures. (1) There is a resource recycling account within the earmarked revenue fund created in 17-2-102. The state treasurer shall draw warrants from this account upon order of the department.

(2) The department may order warrants drawn from the account to:

(a) produce and distribute educational and informational materials concerning litter and recycling programs; and

(b) conduct surveys required by [section 7].

Section 9. Grants. The department may make grants to persons for the establishment and operation of programs authorized in [this act]. The time period for a grant may not exceed 18 months. A program qualifying for a grant shall be for one or more of the following:

(1) preparation and distribution to schools and the public of instructional materials for courses on litter abatement and recycling;

(2) development of public information on litter abatement and recycling, including radio and television public service announcements, newspaper ads, posters, leaflets and audio-visual aids;

(3) organization and operation of litter abatement and removal activities conducted by private organizations and service groups;

(4) assistance to recycling centers, including information and consultation on available technology, operating procedures, markets for materials, transportation, and publicity techniques through the organization of seminars and workshops with experts in the field; and

(5) the creation and expansion of litter law enforcement programs.

Section 10. Grants — rules. The department shall adopt rules under the Montana Administrative Procedure Act that establish:

(1) eligibility requirements for grant applicants;

(2) standards for the evaluation of proposals submitted by applicants for grants;

(3) the maximum dollar amount allowable for a single grant; and

(4) other conditions necessary to provide for a variety of programs.

Section 11. Littering prohibited — penalty. (1) Any person who deposits, throws, discards, or otherwise disposes of any litter on any public or private property or in any waters commits the offense of littering unless:

(a) such property is an area designated by law for disposal of the material and the person is authorized by the proper public authority to so use the property; or

(b) the litter is placed in a receptacle or container installed for that purpose.

(2) This section may not be construed to restrict a private owner in the use of his own property if the placing, depositing, or dumping of waste matter by the owner on the property is controlled and does not create a public nuisance or a hazard to public health or safety.

(3) A person convicted of a violation of this section shall be punished by a fine of not less than $10 or more than $50. In addition to the fine, the court may order the person to gather and dispose of litter in an area for a length of time determined by the court.

Section 12. Department to coordinate litter collection. (1) The department shall coordinate litter collection by state agencies.

(2) An agency of state government shall remove litter from litter receptacles placed by the agency.

(3) All litter must be collected and disposed of in a manner acceptable to the department.

Section 13. Litter assessment. (1) A person engaged in the selling at wholesale of any of the items specified in subsection (6) shall remit to the state treasurer with his annual corporation or individual income tax return an additional litter tax equal to .015% of gross sales proceeds of such items.

(2) A person engaged in the selling at retail of any of the items specified in subsection (6) shall remit to the state treasurer with his annual corporation or individual income tax return an additional litter tax equal to .015% of gross sales proceeds of such items.

(3) For persons engaged in the selling at wholesale and retail of any of the items specified in subsection (6), the litter tax shall be based on the gross sales proceeds of the specified items at either the wholesale or retail level, whichever is higher.

(4) The department of revenue shall remit to the state treasurer by April 15 of each year the litter tax based upon the gross retail sales proceeds as provided in subsection (2) of liquor and wine from state stores.

(5) The state treasurer shall deposit the money received under this section in the earmarked revenue fund to the credit of the resource recycling account.

(6) The litter assessment shall be calculated only on gross sales proceeds of the following products:

(a) food for human and pet consumption;

(b) groceries

(c) cigarettes and other tobacco products;

(d) soft drinks and carbonated beverages

(e) liquor, wine, beer, and other malt beverages;

(f) tires, motor oil, and crankcase and fuel additives

(g) cleaning agents and toiletries;

(h) nonprescription drugs;

(i) household paper and paper products, including magazines, periodicals, and newspapers; and

(j) glass, metal, or plastic containers or fiber containers made of synthetic material.

(7) A person selling less than $50,000 worth of all the items specified in subsection (6) during a calendar year is exempt from the tax imposed by this section.

(8) The total annual tax required to be paid under this section by a person may not exceed $20,000.

Section 14. Public notice enforcement. (1) Statements and penalties for violating provisions of [this act] shall be posted at such public places as the department considers necessary.

(2) The provisions of [this act] and all rules adopted by the department in accordance with [this act] shall be enforced by peace officers of this state, including wardens of the department of fish, wildlife, and parks.

Section 15. Municipal litter ordinances — restrictions. (1) A municipality may adopt an ordinance that prohibits and prescribes the same conduct prohibited and prescribed in [section 12] or any portion thereof.

(2) No local government may enact an ordinance requiring deposits on containers or requiring an assessment on litter-related products.

Section 16. Litter patrols. The department may design litter patrol programs and provide financial assistance through grants for litter pickup and removal using youths aged 14 to 17, on a seasonal basis.

Section 17. Repealer. Section 61-8-365, MCA, is repealed.

Section 18. Effective date. This act is effective July 1, 1981.

Section 19. Coordination. If SB 258 is passed and approved the definition of "department" in section 3(2) is changed to the department of natural resources and conservation provided for in Title 2, chapter 15, part 33."

3. Title, line 7.
Following: "PROVIDING"
Insert: "AN"
Following: "EFFECTIVE"
Strike: "DATES"
Insert: "DATE"

And, as so amended, do pass. Report adopted.

The Committee adopted the following Statement of Intent:

STATEMENT OF INTENT: Senate Bill No. 431

A statement of intent is required for this bill because it delegates rulemaking authority to the Department of Health in order to provide programs for litter control and resource recycling.

The intent of Senate Bill No. 431 is to accomplish the following goals:

(1) to make one agency responsible for litter collection and control and to expend funds for this purpose;

(2) to utilize patrols and educational programs to encourage control of litter;

(3) to fund required studies of litter and recycling;

(4) to provide grants to develop and produce educational programs concerning litter and recycling;

(5) to develop and produce information about this act and programs developed under it;

(6) to develop and implement pilot programs for litter and recyclable collection; and

(7) to provide technical and informational assistance to recycling centers.

The Council will also review the progress of all programs developed by administering agency and those funded with grants.

Rules to be promulgated and adopted under this act include, but are not limited to:

(1) standards for contracts with other persons for:

(a) the development of educational and informational programs and materials; and

(b) studies required by the act.

(2) requirements for grant applicants; standards for the evaluation of proposals; the maximum dollar amount allowable for a single grant; and other conditions necessary to provide for a variety of programs.

First adopted by the Senate Public Health, Welfare and Safety Committee on the 23rd day of March 1981.

Report adopted.

TAXATION (Goodover, Chairman):

SB 44, do pass. Report adopted.

SB 484, do pass. Report adopted.

BUSINESS AND INDUSTRY (Hazelbaker, Chairman):

SJR 27, introduced bill, be amended as follows:

1. Title, lines 5 and 6.
Following: "REQUESTING"
Strike: remainder of line 5 through "OF" on line 6
Insert: "THE LEGISLATIVE AUDIT COMMITTEE IN CONJUCTION WITH ITS PERFORMANCE AUDIT TO CONSIDER"

2. Page 2, line 20.
Following: "That"
Strike: "an appropriate interim committee"
Insert: "the Legislative Audit Committee in conjuction with its performance audit to be performed in the 1981-1983 interim,"

And, as so amended, do pass. Report adopted.

EDUCATION AND CULTURAL RESOURCES (B. Brown, Chairman):

HB 333, be concurred in. Report adopted.

HB 662, third reading copy, be amended as follows:

1. Page 3, line 21.
Strike: "daily"
Insert: "per trip"

And, as so amended, be concurred in. Report adopted.

HB 587, third reading copy, be amended as follows:

1. Title, line 7 through line 9.
Following: "DISTRICT;"
Strike: line 7 through "DISTRICT;" on line 9

2. Page 2, line 23 through line 1 on page 3.
Following: "~~who~~"
Strike: line 23 through "must" on line 1, page 3
Insert: "the parents or guardians of not less than 10 children between the ages of 6 and 16 years who reside in the territory that would be included in the new district and who"

3. Page 3, line 21.
Following: "~~If a~~"
Strike: "At such"
Insert: "unless before or at the time of the hearing he receives a protest petition signed by a majority of the electors of the proposed new district who are qualified to vote under the provisions of 20-20-301. A valid protest petition shall conclusively deny the creation of a new district. If"
Following: "hearing"
Insert: "is conducted"

4. Page 3, line 24.
Following: "~~best~~"
Insert: "best"

5. Page 5, line 14.
Following: "~~months~~"
Strike: "1 year"
Insert: "2 years"

6. Page 5.
Following: line 19
Insert: "(7) If a petition has been filed under the provisions of this section and denied by the county superintendent, no new petition may be filed until 1 year after the final decision on the original petition."

7. Page 3, line 19.
Strike: "."

And, as so amended, be concurred in. Report adopted.

JUDICIARY (Anderson, Chairman):
HB 5, third reading copy, be amended as follows:

1. Page 1, line 20.
Following: ";"
Strike: "or"

2. Page 1, line 22.
Following: "case"
Insert: "; or

(d) make a recommendation or refrain from opposing the defendant's request for immunity from prosecution in exchange for the defendant's testimony"

3. Page 1, line 23.
Following: "(2)"
Insert: "IN THE DISTRICT COURT"

4. Page 2, line 5.
Following: "TO"
Strike: "TRIAL"
Insert: "VERDICT"

5. Page 4, line 6.
Following: "proceedings."
Strike: "A"
Insert: "In the district court a"

And, as so amended, be concurred in. Report adopted.

HB 300, third reading copy, be amended as follows:

1. Page 3, lines 2 through 4.
Strike: subsection (k) in its entirety
Renumber: subsequent subsections

2. Page 3, line 7.
Following: "hashish,"
Strike: "or"
Following: "hashish oil"
Insert: ", or other dangerous drug as defined by 50-32-101"

And, as so amended, be concurred in. Report adopted.

HB 538, third reading copy, be amended as follows:

1. Title, line 5.
Following: "TO"
Strike: "PROVIDE"

2. Page 1, line 23.
Following: "or the date of"
Strike: " a violation"
Insert: "filing the return, whichever is later"

3. Page 2, line 4.
Following: "until"
Strike: "determination"
Insert: "discovery"

And, as so amended, be concurred in. Report adopted.

HB 761, third reading copy, be amended as follows:

1. Title, lines 8 and 9.
Following: "REQUIRE" on line 8
Strike: remainder of line 8 through "NOTIFY" on line 9
Insert: "NOTIFICATION TO"

2. Title, lines 9 and 10.
Following: "LIEN" on line 9
Strike: remainder of line 9 through "FEE" on line 10

3. Page 1, line 15.
Following: "owner"
Strike: "— fee"

4. Page 1, line 22 through line 6 on page 2.

Following: "(2)" on line 22
Strike: remainder of line 22 through line 6 on page 2
Insert: "The clerk shall not file the lien unless there is attached thereto a certification by the lien claimant or his agent that a copy of the lien has been served upon each owner of record of the property named in the lien. Service shall be made by personal service on each owner or by mailing a copy of the lien by certified or registered mail to each owner's last known address. The certification shall state whether service was made by delivery of certified or registered mail"

And, as so amended, be concurred in. Report adopted.

HB 813, third reading copy, be amended as follows:

1. Title, line 6.
Following: "~~EMPLOYEES~~"
Strike: "ELECTED OFFICIALS"
Insert: "SCHOOL DISTRICT TRUSTEES"

2. Line 14.
Following: "and"
Strike: "their ELECTED OFFICIALS"
Insert: "school district trustees"

And, as so amended, be concurred in. Report adopted.

PUBLIC HEALTH, WELFARE AND SAFETY (Hager, Chairman):
HB 80, be concurred in. Report adopted.

Statement of Intent, HB 80, third reading copy, be amended as follows:

1. Page 1, line 15.
Following: "in"
Strike: "their"
Insert: "the"

2. Page 2, line 18.
Following: "duties"
Strike: ","
Insert: "and"

3. Page 4, line 6.
Following: "food"
Insert: ","

4. Page 4, line 8.
Following: "by"
Insert: "The"

5. Page 4, line 16.
Following: "in"
Strike: "MCA"
Following: "_____"
Insert: "MCA"

And, as so amended, be concurred in. Report adopted.

HB 167, be concurred in. Report adopted.
HB 437, be concurred in. Report adopted.
HB 504, be concurred in. Report adopted.
HB 517, be concurred in. Report adopted.
HB 305, be concurred in. Report adopted.

Minority Report

HB 758, be concurred in.

Minority Committee members are:

Senator Tveit
Senator Berg
Senator S. Brown
Senator J. O'Hara

Thereupon, the Minority Report was not adopted by the following roll call vote:

Ayes: Aklestad, Berg, Boylan, S. Brown, Conover, Eck, Galt, Haffey, Hager, Healy, Jacobson, Kolstad, Manley, Manning, Norman, Ochsner, O'Hara, Ryan, Smith, Stimatz, Towe, Tveit, Van Valkenburg.
Total 23

Noes: Anderson, Blaylock, B. Brown, Crippen, Dover, Elliott, Etchart, Goodover, Hafferman, Halligan, Hammond, Hazelbaker, Himsl, Johnson, Keating, Mazurek, McCallum, Nelson, Olson, Regan, Severson, Stephens, Story, Thomas, Mr. President.
Total 25

Excused: Graham.
Total 1

Absent or not voting: Lee.
Total 1

Majority Report

HB 758, be not concurred in.

Thereupon, the Majority Report was adopted by the following roll call vote:

Ayes: Anderson, Blaylock, Boylan, B. Brown, Crippen, Dover, Elliott, Etchart, Goodover, Hafferman, Halligan, Hammond, Hazelbaker, Himsl, Johnson, Keating, Kolstad, Lee, Mazurek, McCallum, Nelson, Norman, O'Hara, Olson, Regan, Severson, Stephens, Story, Thomas, Mr. President.
Total 30

Noes: Aklestad, Berg, S. Brown, Conover, Eck, Galt, Haffey, Hager, Healy, Jacobson, Manley, Manning, Ochsner, Ryan, Smith, Stimatz, Towe, Tveit, Van Valkenburg.
Total: 19

Excused: Graham.
Total 1

Absent or not voting: None.
Total 0

BUSINESS AND INDUSTRY (Hazelbaker, Chairman)
HB 574, be not concurred in.

Thereupon, the Adverse Committee Report was adopted by the following roll call vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Dover, Eck, Elliott, Etchart, Galt, Goodover, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Manley, Manning, Mazurek, McCallum, Nelson,

Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 46

Noes: Crippen, Lee.
Total 2

Excused: Graham.
Total 1

Absent or not voting: Smith.
Total 1

HB 706, be not concurred in.

Thereupon, the Adverse Committee Report was adopted by the following roll call vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Manley, Manning, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 46

Noes: Lee.
Total 1

Excused: Graham.
Total 1

Absent or not voting: B. Brown, Mazurek.
Total 2

HB 554, be not concurred in.

Thereupon, the Adverse Committee Report was adopted by the following roll call vote:

Ayes: Aklestad, Anderson, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Elliott, Etchart, Galt, Goodover, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Johnson, Keating, Kolstad, Manley, Manning, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Ryan, Severson, Smith, Stephens, Story, Thomas, Tveit, Mr. President.
Total 40

Noes: Berg, Eck, Jacobson, Lee, Mazurek, Regan, Stimatz, Towe, Van Valkenburg.
Total 9

Excused: Graham.
Total: 1

Absent or not voting: None.
Total 0

MESSAGES FROM THE GOVERNOR

March 23, 1981

The Honorable Jean A. Turnage
President of the Senate
State Capitol

Helena, Montana 59620

Dear Mr. President:

This is to inform you that I have signed the following measures this date:

Senate Bill Nos. 29, 145, 146, 151, 171, 211, 261.

Sincerely,

TED SCHWINDEN
Governor

March 23, 1981

The Honorable Jean A. Turnage
President of the Senate
State Capitol
Helena, Montana 59620

The Honorable Robert L. Marks
Speaker of the House
State Capitol
Helena, Montana 59620

Dear Senator Turnage and Representative Marks:

In accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby return Senate Bill No. 41, "AN ACT AMENDING SECTION 15-6-209, MCA, TO CLASSIFY AS TAX EXEMPT SENIOR CITIZEN CENTERS THAT ARE COMMUNITY SERVICE ORGANIZATIONS ESTABLISHED CONTINUOUSLY SINCE JANUARY 1, 1981," without my signature and recommend the attached amendments.

I am proposing an amendment to the title of Senate Bill No. 41, so that the title accurately reflects the changes made in Section 1 (15-6-209(2)), of the bill.

I urge your concurrence in these amendments.

Sincerely,

TED SCHWINDEN
Governor

PROPOSED GOVERNOR'S AMENDMENTS TO SB 41

1. Page 1, line 5.
Following: "EXEMPT"
Strike: "SENIOR CITIZEN"

2. Page 1, line 6.
Following: "CITIZEN"
Strike: "CENTERS THAT ARE"

3. Page 1, line 6.
Following: "ARE"
Insert: "BUILDINGS OF"

March 23, 1981

The Honorable Jean A. Turnage

President of the Senate
State Capitol
Helena, Montana 59620

The Honorable Robert L. Marks
Speaker of the House
State Capitol
Helena, Montana 59620

Dear Senator Turnage and Representative Marks:

In accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby return Senate Bill No 459, "AN ACT TO GENERALLY REVISE THE LAWS GOVERNING OUTFITTERS AND GUIDES IN THE STATE OF MONTANA; AMENDING SECTIONS 2-15-3403, 87-4-101 THROUGH 87-4-106, 87-4-121 THROUGH 87-4-128, 87-4-130, 87-4-131, AND 87-4-141 THROUGH 87-4-144, MCA," without my signature and recommend the attached amendments.

It is the intent of SB 459, in part, to allow immediate family members of a deceased licensed outfitter to continue to outfit for the term of the deceased outfitter's unexpired license, if the director of the Department of Fish, Wildlife, and Parks approves. The bill as written, does not clearly accomplish this task. The problem can be solved by clarifying the language in Section 17 (Section 87-4-131(3)) of the bill.

Further, I am also proposing an amendment to Section 10 (Section 87-4-123(1)(d)) of the bill in order to clarify the language. Neither the substance nor intent of the cited section has been changed by my proposed amendment.

I urge your concurrence in these amendments.

Sincerely,

TED SCHWINDEN
Governor

PROPOSED AMENDMENTS TO SB 459

1. Page 11, line 10.
Following: "GROSS"
Strike: "NEGLIGENCE"
Insert: "negligent act"

2. Page 18, line 11.
Following: "(3)"
Strike: "If a licensed outfitter dies,"

3. Page 18, line 13.
Following: "~~and,~~"
Strike: "subject"
Insert: "Subject"

4. Page 18, line 14.
Following: "family"
Insert: "of a deceased licensed outfitter"

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following House Bill was on 3/23/81, passed and transmitted to the Senate for concurrence:

House Bill No. 292, introduced by Wallin (67-31)

The following Senate Bill was on 3/23/81, not concurred in on Committee Report, and returned to the Senate:

Senate Bill No. 156, introduced by Hager

The following Senate Bills were on 3/23/81 concurred in, and returned to the Senate:

Senate Bill No. 226, introduced by Healy (66-33)

Senate Bill No. 245, introduced by Mazurek (82-17)

Senate Bill No. 275, introduced by Ryan (97-1)

Senate Bill No. 276, introduced by Galt (67-31)

Senate Bill No. 279, introduced by Goodover (88-9)

The following Senate Bill was on 3/24/81, not concurred in on Second Reading, and returned to the Senate:

Senate Bill No. 278, introduced by Graham

MOTIONS

Senator Stephens moved, duly carried, that Senate Bill No. 172 be taken from Second Reading and rereferred to the Rules Committee.

Senator Turnage moved, duly carried, that House Bill No. 811 be taken from the Committee on Bills and Journal and placed on Second Reading.

FIRST READING OF BILLS

The following House bill was introduced, read first time and referred to committee:

HB 292, introduced by Wallin, Bertelsen, Schultz, Fabrega, Meyer, Kropp, Nordtvedt, Hannah, Winslow, Harp, Burnett, Ernst. Referred to Committee on Taxation.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

House Bill No. 174 was concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 46

Noes: None.
Total 0

Excused: Graham.
Total 1

Absent or not voting: Blaylock, Manley, Ryan.
Total 3

House Bill No. 263 was concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 47

Noes: None.
Total 0

Excused: Graham.
Total 1

Absent or not voting: Lee, Manley.
Total 2

House Bill No. 264 was concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: Boylan.
Total 1

Excused: Graham.
Total 1

Absent or not voting: None.
Total 0

House Bill No. 275 was concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Graham.
Total 1

Absent or not voting: None.
Total 0

House Bill No. 304 was concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manning, Mazurek, McCallum, Nelson, Norman,

Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 47

Noes: Hafferman, Manley.
Total 2

Excused: Graham.
Total 1

Absent or not voting: None.
Total 0

House Bill No. 424 was concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 47

Noes: Boylan, Johnson.
Total 2

Excused: Graham.
Total 1

Absent or not voting: None.
Total 0

House Bill No. 467 was concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, Conover, Crippen, Dover, Eck, Galt, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manning, Mazurek, McCallum, O'Hara, Regan, Ryan, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 39

Noes: S. Brown, Elliott, Etchart, Goodover, Manley, Nelson, Norman, Ochsner, Olson, Severson.
Total 10

Excused: Graham.
Total 1

Absent or not voting: None.
Total 0

House Bill No. 520 was concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.

Total 0

Excused: Graham.
Total 1

Absent or not voting: Blaylock.
Total 1

House Bill No. 613 was concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg.
Total 48

Noes: None.
Total 0

Excused: Graham.
Total 1

Absent or not voting: Mr. President.
Total 1

House Bill No. 693 was concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 47

Noes: None.
Total 0

Excused: Graham.
Total 1

Absent or not voting: Manning, Story.
Total 2

House Bill No. 704 was concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Etchart, Galt, Goodover, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 47

Noes: Elliott, Manley.
Total 2

Excused: Graham.
Total 1

Absent or not voting: None.

Total 0

House Bill No. 712 was concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Graham.
Total 1

Absent or not voting: None.
Total 0

House Bill No. 732 was not concurred in by the following vote:

Ayes: Anderson, Berg, Blaylock, B. Brown, S. Brown, Conover, Crippen, Eck, Haffey, Hager, Halligan, Jacobson, Keating, Mazurek, Nelson, Norman, Regan, Stephens, Stimatz, Thomas, Towe, Van Valkenburg, Mr. President.
Total 23

Noes: Aklestad, Anderson, Boylan, Dover, Elliott, Etchart, Galt, Goodover, Hafferman, Hammond, Hazelbaker, Healy, Himsl, Johnson, Kolstad, Lee, Manley, Manning, McCallum, Ochsner, O'Hara, Olson, Ryan, Severson, Smith, Story, Tveit.
Total 26

Excused: Graham.
Total 1

Absent or not voting: None.
Total 0

House Bill No. 763 was concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Etchart, Galt, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 47

Noes: Elliott, Goodover.
Total 2

Excused: Graham.
Total 1

Absent or not voting: None.
Total 0

House Bill No. 833 was concurred in by the following vote:

Ayes: Anderson, Berg, Blaylock, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Kolstad, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Regan, Stephens, Stimatz, Story, Thomas, Towe, Van Valkenburg.
Total 39

Noes: Aklestad, Boylan, Keating, Lee, Olson, Ryan, Severson, Smith, Tveit, Mr. President.
Total 10

Excused: Graham.
Total 1

Absent or not voting: None.
Total 0

House Joint Resolution No. 45 was concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, Nelson, Norman, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 46

Noes: None.
Total 0

Excused: Graham.
Total 1

Absent or not voting: Goodover, McCallum, Ochsner.
Total 3

Governor's Amendments to Senate Bill No. 166 were concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 47

Noes: Manley.
Total 1

Excused: Graham.
Total 1

Absent or not voting: Story.
Total 1

At the request of Senator Johnson, and without objection, the Senate reverted to Order of Business No. 6.

MOTIONS

Senator Johnson moved that the rules of the Forty-seventh Legislative Session be temporarily suspended and that her vote on House Bill No. 424 be changed from "no" to "aye". Motion carried by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Graham.
Total 1

Absent or not voting: None.
Total 0

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Hazelbaker in the Chair.

Senate resumed. President Pro Tempore Kolstad in the Chair.

Mr. President Pro Tempore: We, your Committee of the Whole, having had under consideration business on Second Reading, recommend as follows:

That House Bill No. 135 be amended as follows:

1. Title, line 5.
Following: "SYSTEM"
Insert: "AND QUALIFIED MEMBERS OF THE PUBLIC EMPLOYEES' RETIREMENT SYSTEM"

2. Page 1, line 11.
Following: "schools."
Insert: "(1)"

3. Following the Senate Standing Committee Report (State Administration) Amendment 3.
Following: "section."
Insert: "(2) A member of the public employees' retirement system who has transferred his creditable service from the teachers' retirement system to the public employees' retirement system and who would otherwise be eligible to apply for creditable service under subsection (1), except that he is not currently a member of the teachers' retirement system in a manner established by the public employees' retirement system board."

Amendments passed by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.

Total 0

Excused: Graham.
Total 1

Absent or not voting: None.
Total 0

That House Bill No. 135, as amended, be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Etchart, Galt, Goodover, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: Elliott.
Total 1

Excused: Graham.
Total 1

Absent or not voting: None.
Total 0

That House Bill No. 69 be concurred in by the following vote:

Ayes: Anderson, Berg, Blaylock, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Etchart, Galt, Goodover, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Severson, Smith, Stephens, Stimatz, Towe, Tveit, Van Valkenburg.
Total 41

Noes: Aklestad, Boylan, Elliott, Regan, Ryan, Story.
Total 6

Excused: Graham.
Total 1

Absent or not voting: Thomas, Mr. President.
Total 2

That House Bill No. 463, without objection, be placed at the bottom of the board.

That House Bill No. 488 be amended. Amendment failed by the following vote:

Ayes: Berg, Blaylock, S. Brown, Conover, Eck, Etchart, Hafferman, Haffey, Hager, Halligan, Healy, Mazurek, Norman, Ochsner, Regan, Smith, Towe, Van Valkenburg.
Total 18

Noes: Aklestad, Boylan, B. Brown, Crippen, Dover, Elliott, Galt, Goodover, Hammond, Hazelbaker, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, McCallum, Nelson, O'Hara, Olson, Stephens, Stimatz, Story, Tveit, Mr. President.
Total 26

Excused: Graham.
Total 1

Absent or not voting: Anderson, Manning, Ryan, Severson, Thomas.
Total 5

That House Bill No. 488 be amended as follows:

1. Title, line 6.
Following: "ASSESSMENT;"
Insert: "TO ALLOCATE COMMITTEE MONEY FOR RESEARCH AND DEVELOPMENT OF FEEDS AND FOODS DERIVED FROM THE BY PRODUCTS OF ALCOHOL PRODUCTION OF WHEAT AND BARLEY AND TO ELIMINATE THE ALLOCATION OF SUCH MONEY FOR RESEARCH AND DEVELOPMENT OF FUELS DERIVED FROM WHEAT AND BARLEY;"

Amendment passed by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Graham.
Total 1

Absent or not voting: None.
Total 0

That House Bill No. 488, as amended, be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Graham.
Total 1

Absent or not voting: None.
Total 0

That House Bill No. 533 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek,

McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Graham.
Total 1

Absent or not voting: None.
Total 0

That House Bill No. 552 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Graham.
Total 1

Absent or not voting: None.
Total 0

That House Bill No. 629 pass consideration. Motion failed by the following vote:

Ayes: Berg, Blaylock, Boylan, Conover, Eck, Hager, Halligan, Regan, Ryan, Story, Towe, Van Valkenburg.
Total 12

Noes: Aklestad, B. Brown, S. Brown, Crippen, Dover, Elliott, Etchart, Galt, Goodover, Hafferman, Haffey, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, McCallum, Nelson, Ochsner, O'Hara, Olson, Severson, Smith, Stephens, Stimatz, Thomas, Tveit.
Total 32

Excused: Graham.
Total 1

Absent or not voting: Anderson, Manning, Mazurek, Norman, Mr. President.
Total 5

That House Bill No. 629 be amended as follows:

1. Page 5, line 1.
Following: "cents"
Insert: "as defined by contract or market price, whichever is applicable. This value applies to both the metalliferous mines license tax and the gross proceeds tax"

Amendment passed by the following vote:

Ayes: Aklestad, Boylan, Crippen, Dover, Elliott, Etchart, Galt, Goodover, Hafferman, Haffey, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Severson, Smith, Stephens, Stimatz, Story, Thomas, Tveit.
Total 33

Noes: Berg, Blaylock, B. Brown, S. Brown, Conover, Eck, Hager, Halligan, Mazurek, Regan, Ryan, Towe, Van Valkenburg.
Total 13

Excused: Graham.
Total 1

Absent or not voting: Anderson, Manning, Mr. President.
Total 3

That House Bill No. 629, as amended, be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Graham.
Total 1

Absent or not voting: None.
Total 0

That House Bill No. 635 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Graham.
Total 1

Absent or not voting: None.
Total 0

That House Bill No. 684 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek,

McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Graham.
Total 1

Absent or not voting: None.
Total 0

That House Bill No. 789 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Etchart, Galt, Goodover, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: Elliott.
Total 1

Excused: Graham.
Total 1

Absent or not voting: None.
Total 0

That House Joint Resolution No. 25 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Graham.
Total 1

Absent or not voting: None.
Total 0

That House Joint Resolution No. 27 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan,

Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Graham.
Total 1

Absent or not voting: None.
Total 0

That House Joint Resolution No. 33 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Graham.
Total 1

Absent or not voting: None.
Total 0

That House Joint Resolution No. 40 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Mr. President.
Total 48

Noes: Van Valkenburg.
Total 1

Excused: Graham.
Total 1

Absent or not voting: None.
Total 0

That House Amendments to Senate Bill No. 83 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan,

Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Graham.
Total 1

Absent or not voting: None.
Total 0

That House Amendments to Senate Bill No. 110 be not concurred in. Motion failed by the following vote:

Ayes: Blaylock, Boylan, B. Brown, S. Brown, Conover, Haffey, Hager, Halligan, Hazelbaker, Healy, Manning, Mazurek, Norman, Ryan, Thomas, Towe, Van Valkenburg, Mr. President.
Total 18

Noes: Aklestad, Anderson, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Hafferman, Hammond, Himsl, Johnson, Keating, Kolstad, Lee, Manley, McCallum, Nelson, Ochsner, Olson, Severson, Smith, Stephens, Story, Tveit.
Total 26

Excused: Graham.
Total 1

Absent or not voting: Berg, Jacobson, O'Hara, Regan, Stimatz.
Total 5

That House Amendments to Senate Bill No. 110 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Conover, Crippen, Dover, Elliott, Etchart, Galt, Goodover, Hafferman, Hammond, Hazelbaker, Healy, Himsl, Johnson, Keating, Kolstad, Lee, Manning, McCallum, Nelson, Ochsner, Olson, Ryan, Severson, Smith, Stephens, Story, Thomas, Tveit.
Total 30

Noes: Berg, Blaylock, Boylan, B. Brown, S. Brown, Eck, Haffey, Hager, Halligan, Mazurek, Norman, Stimatz, Towe, Van Valkenburg, Mr. President.
Total 15

Excused: Graham.
Total 1

Absent or not voting: Jacobson, Manley, O'Hara, Regan.
Total 4

Senator Hazelbaker relinquished the Chair.

Senator Etchart assumed the Chair.

That House Amendments to Senate Bill No. 228 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek,

McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Graham.
Total 1

Absent or not voting: None.
Total 0

That House Amendments to Senate Bill No. 230 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Graham.
Total 1

Absent or not voting: None.
Total 0

That House Amendments to Senate Bill No. 232 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Graham.
Total 1

Absent or not voting: None.
Total 0

That House Amendments to Senate Bill No. 241 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan,

Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Graham.
Total 1

Absent or not voting: None.
Total 0

That House Amendments to Senate Bill No. 256 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Graham.
Total 1

Absent or not voting: None.
Total 0

Senator Etchart relinquished the Chair.

Senator Hazelbaker assumed the Chair.

That House Amendments to Senate Bill No. 137 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Graham.
Total 1

Absent or not voting: None.
Total 0

That House Amendments to Senate Bill No. 255 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover,

Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Graham.
Total 1

Absent or not voting: None.
Total 0

Senator Turnage moved that House Bill No. 629 be segregated from the Committee of the Whole Report. Unanimously passed.

That the Committee rise and report. (Hazelbaker, Chairman)

Upon motion of Senator Hazelbaker, duly carried, the foregoing Report of the Committee of the Whole was adopted.

At the request of the President Pro Tempore, and without objection, the Senate reverted to Order of Business No. 5.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The House on 3/24/81, requested the return of the following Senate Bill for further consideration:

Senate Bill No. 278, introduced by Graham, Conroy

MOTIONS

Senator Stephens moved to accede to the House's request and return Senate Bill No. 278 to the House. Motion carried by the following vote:

Ayes: Aklestad, Anderson, Blaylock, Boylan, B. Brown, Crippen, Dover, Elliott, Etchart, Galt, Goodover, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Tveit, Mr. President.
Total 41

Noes: Berg, S. Brown, Conover, Eck, Regan, Towe, Van Valkenburg.
Total 7

Excused: Graham.
Total 1

Absent or not voting: Jacobson.
Total 1

At the request of the President Pro Tempore, and without objection, the Senate reverted to Order of Business No. 2.

REPORTS OF STANDING COMMITTEES

I have examined Senate Bill No. 78 introduced by me and find the same to be correct. (Severson)

I have examined Senate Bill No. 144 introduced by me and find the same to be correct. (Hazelbaker)

I have examined Senate Bill No. 164 introduced by me and find the same to be correct. (S. Brown)

I have examined Senate Bill No. 247 introduced by me and find the same to be correct. (Regan)

BILLS (O'Hara, Chairman):
Correctly enrolled - SB 78, SB 144, SB 164, SB 247. Report adopted.

The Senate will please take note that the President did, at the hour of 4:00 p.m., 3/24/81, sign the following bills:
SB 78, SB 144, SB 164, SB 247, HB 91, HB 100, HB 154, HB 172, HB 201, HB 271, HB 288, HB 324, HB 346, HB 358, HB 404, HB 466, HB 468, HB 593, HB 598, HB 632, HB 637, HB 812, HJR 16, HJR 32.

Jean A. Turnage
President

REPORTS OF SELECT COMMITTEES

JOINT CONFERENCE COMMITTEE
ON SENATE BILL NO. 15
Report No. 1, March 23, 1981

MR. PRESIDENT AND SPEAKER OF THE HOUSE:

We, your Joint Conference Committee on House Amendments to Senate Bill No. 15, met March 23, 1981, and considered:

House Amendments to Senate Bill No. 15 and recommend as follows:

That Senate Bill No. 15, reference copy, be amended as follows:

1. Page 26, lines 19 through 24.
Following: "BONDS"
Strike: the remainder of Section 18
Insert: "—optional method. Between the effective date and termination date of this act, a governing body in connection with the issuance of bonds may, at its option, provide that such bonds shall be redeemable at such time or times and upon such terms and conditions as the governing body shall deem to be in the best interest of the public, notwithstanding any statutory provision to the contrary"
Renumber: subsequent sections

And, that the Joint Conference Committee Report on Senate Bill No. 15 be adopted.

FOR THE SENATE:

Senator Mazurek, Chairman
Senator Crippen
Senator Elliott

FOR THE HOUSE:

Representative Sales, Chairman
Representative Vinger
Representative Williams

Report adopted.

Upon motion of Senator Stephens, duly carried, the Senate adjourned at 6:19 p.m. until Wednesday, March 25, at the hour of 3:00 p.m.

ALLEN C. KOLSTAD
President Pro Tempore of the Senate

JOHN W. LARSON
Secretary of the Senate

SIXTY-SIXTH LEGISLATIVE DAY

Helena, Montana
March 25, 1981

Senate Chambers
Capitol Building

Senate convened at 3:00 p.m., President Turnage presiding. Invocation by the Chaplain. Pledge of Allegiance to the Flag.

Roll call. All members present. Quorum present.

Mr. President: We, your Committee on Bills and Journal, having examined the daily journal for the Sixty-fifth Legislative Day, find the same to be correct.

O'HARA, Chairman

REPORTS OF STANDING COMMITTEES

Signed by the Speaker of the House and President of the Senate, 3/25/81, at the hour of 9:15 a.m., delivered to the Governor for his approval - SB 26, SB 112, SB 173, SB 178. Report adopted.

PRINTING (O'Hara, Chairman):
Correctly printed and placed on the members' desks - SB 44, SB 431, SB 484, SJR 27. Report adopted.

Signed by the Speaker of the House and President of the Senate, 3/25/81, at the hour of 10:30 a.m., delivered to the Governor for his approval-SB 78, SB 144, SB 164, SB 247. Report adopted.

LEGISLATIVE ADMINISTRATION (Kolstad, Chairman):
Respectfully reports as follows:

That the following attache of the Senate be reclassified as of 8:00 a.m. on Saturday, March 21, 1981:

Sabrina Sanddal.....from Steno to Standing Comm. Secy.

Report adopted.

TAXATION (Goodover, Chairman):
SB 126, do pass. Report adopted.

The Commmittee adopted the following Statement of Intent:

STATEMENT OF INTENT: Senate Bill No. 126

Section 2 of Senate Bill No. 126 requires that the Department of Revenue adopt rules to implement the provisions relating to "average wholesale value" contained in sections 1 and 2.

Since different national appraisal guides use various language to describe "average wholesale value" it is the intent of the Legislature that in preparing "average wholesale value" tables, in instructing departmental employees on the use of national appraisal guides and in establishing rules to govern the administration of sections 1 and 2, the following terms shall be used:

National appraisal guide	Column that denotes "average wholesale value" is marked
Aircraft Blue Book, (Aircraft Dealers Assn., P.O. Box 621, Aurora, Colo.)	Approximate Wholesale
National Automobile Dealers Association: Official Used Car Guide (McLean, Va.: National Automobile Dealers Used Car Guide)	Average Trade-In
Green Guide: The Handbook of New and Used Construction Equipment Values (Palo Alto, California: Equipment Guidebook Company)	Wholesale
Blue Book: Outboard Motor Trade-In Guide: Fresh Water and Salt Water (Overland Park, Kansas: ABOS Marine Publications Division)	Estimated Current Value Less Repairs: High
Blue Book: Boat Trailer Trade-In Guide (Overland Park, Kansas: ABOS Marine Publications Division)	Estimated Current Value Less Repairs: High
Blue Book: Outboard Boat Trade-In Guide (Overland Park, Kansas: ABOS Marine Publications Division)	Estimated Current Value Less Repairs: High
Blue Book: Inboard/Outdrive Boat Trade-In Guide (Overland Park, Kansas: ABOS Marine Publications Division)	Estimated Current Value Less Repairs: High
Motorcycle, Moped and Mini-Bike Trade-In Guide (Overland Park, Kansas: ABOS Marine Publications Division)	Estimated Current Value Less Repairs: High
Official Guide: Tractors and Farm Equipment (St. Louis, Mo. National Farm and Power Services, Inc.)	Average As Is
Truck Blue Book (Chicago, Ill.: National Market Reports, Inc.)	Average Retail Value*

*It is the intent of the legislature that the department will use a factor of 80% of the "Average Retail Value" indicated in the Truck Blue Book cited above.

First adopted by the Senate Taxation Committee on the 23rd day of March 1981.

Report adopted.

SB 283, introduced bill, be amended as follows:

1. Page 5.
Following: line 9
Insert: "Section 5. Coordination instruction. Senate bill 47, introduced in the 47th legislature, removes livestock, poultry, and the unprocessed products of both from class seven and places them in class six for purposes of property taxation. If senate bill 47 is passed and approved, then section 1 of this act is to be replaced with the following section:

"Section 1. Section 15-6-136 is amended to read:

"15-6-136. Class six property — description — taxable percentage. (1) Class six property includes:

(a) ~~business inventories as defined in this section~~ livestock and poultry and the unprocessed products of both;

(b) all unprocessed agricultural products on the farm or in storage except,

~~(i)~~ all perishable fruits and vegetables in farm storage and owned by the producer~~; and~~

~~(ii) livestock and poultry and the unprocessed products of both.~~

~~(2) "Business inventories" includes goods intended for sale or lease in the ordinary course of business and raw materials and work in progress with respect to such goods. Business inventories do not include goods leased or rented or mobile homes held by a dealer or distributor as part of his stock in trade. The market value of business inventories, for property tax purposes, is the cost to the person subject to the inventory tax.~~

~~(3)~~ (2) Class six property is taxed at 4% of its market value.""""
Renumber: subsequent sections

And, as so amended, do pass. Report adopted.

FINANCE AND CLAIMS (Himsl, Chairman):
SJR 29, introduced bill, be amended as follows:

1. Page 3, line 3.
Following: "attorneys,"
Insert: "defense attorneys"

And, as so amended, do pass. Report adopted.

EDUCATION AND CULTURAL RESOURCES (B. Brown, Chairman):
HB 675, be concurred in. Report adopted.

JUDICIARY (Anderson, Chairman):
HB 12, be concurred in. Report adopted.
HB 66, be concurred in. Report adopted.
HB 212, be concurred in. Report adopted.

HB 213, third reading copy, be amended as follows:

1. Page 2, line 3.
Following: "~~defense~~"
Insert: "self defense"

And, as so amended, be concurred in. Report adopted.

HB 316, be concurred in. Report adopted.

HB 403, third reading copy, be amended as follows:

1. Page 1, line 17.
Following: "defendant"
Insert: "or his counsel"

2. Page 1, line 18.
Following: "46-14-201"
Insert: "or raises the issue of his fitness to proceed"

3. Page 2, line 14.
Following: "defendant"
Insert: "or his counsel"

And, as so amended, be concurred in. Report adopted.

HB 480, third reading copy, be amended as follows:

1. Title, line 14.
Following: "41-5-511,"
Insert: "AND"
Following: "~~41-5-603,~~"
Strike: "AND 41-5-805,"

2. Page 1, line 20.
Following: line 19
Strike: "shall"
Insert: "may"

3. Page 3, line 17.
Following: "history"
Insert: "with youth court"

4. Page 14, line 16 through line 20 on page 15.
Strike: Section 8 in its entirety

And, as so amended, be concurred in. Report adopted.

HB 689, third reading copy, be amended as follows:

1. Title, line 8.
Following: "THEREOF;"
Insert: "AMENDING SECTION 46-4-305, MCA;"
Following: "5-5-105"
Strike: ","

2. Title, line 9.
Following: line 8
Strike: "46-4-305,"

3. Page 2, lines 11 through 14.
Following: "information" on line 11
Strike: line 11 through "legislature" on line 14
Insert: "as provided in [sections 3 through 6]"

4. Page 3, line 4.
Following: "held"
Strike: "shall"
Insert: "may"

5. Page 4, line 15.
Following: "of"
Strike: "either house"
Insert: "the legislature"

6. Page 5, line 5.
Following: line 4
Strike: "either house of"

7. Page 5, following line 7.
Insert: "Section 6. Section 46-4-305, MCA, is amended to read:

"46-4-305. Self-incrimination and immunity. (1) No person subpoenaed to give testimony pursuant to this part may be required to make any statement or produce any evidence which may incriminate him. The attorney general or the county attorney may, with the approval of the justice or judge who authorized the issuance of the subpoena on behalf of the state, grant any person subpoenaed immunity from prosecution or punishment ~~for or on account of any transaction or other matter concerning which the person testifies or produces evidence pursuant to the subpoena. After being granted such immunity, no person may be excused from testifying on the grounds that his testimony may incriminate him. The immunity may not extend to prosecution or punishment for false statements given pursuant to the subpoena~~ as provided for in [section 2].

(2) Nothing in this part requires a witness to divulge the contents of a privileged communication unless the privilege is waived as provided by law.""
Renumber: subsequent section

8. Page 5, line 8.
Following: "5-5-105"
Strike: ", 46-4-305,"

And, as so amended, be concurred in. Report adopted.

NATURAL RESOURCES (Dover, Chairman):
HB 697, third reading copy, be amended as follows:

1. Page 1, line 16.
Following: "applicant to"
Strike: "establish to its satisfaction"
Insert: "file an affidavit stating"

2. Page 1, line 22.
Following: "diameter,"
Strike: "A"
Following: "~~and~~"
Insert: "and"

3. Page 1, lines 23 and 24.
Following: "allowed"
Strike: ", AND OTHER INFORMATION THAT THE DEPARTMENT MAY REQUIRE BY RULE" on lines 23 and 24

And, as so amended, be concurred in. Report adopted.

Statement of Intent, HB 697, third reading copy, be amended as follows:

1. Page 1, lines 11 and 12.
Following: "operations" on line 11
Strike: "and ensure compliance with state law"
Insert: "to ensure that the applicant is aware of applicable state and federal laws"

And, as so amended, be concurred in. Report adopted.

PUBLIC HEALTH, WELFARE AND SAFETY (Hager, Chairman):

HB 566, third reading copy, be amended as follows:

1. Title, line 6.
Following: "NEEDLE"
Strike: "AND TO REQUIRE A COSMETOLOGY LICENSE FOR THE REMOVAL OF SUPERFLUOUS HAIR BY A MEANS OTHER THAN ELECTROLOGY"

2. Title, line 8.
Following: "AMENDING"
Strike: "SECTIONS"
Insert: "SECTION"
Following: "~~37-32-103~~"
Strike: "37-31-101 AND"

3. Page 1, line 21 through line 2 on page 3.
Following: line 20
Strike: Section 1 in its entirety
Renumber: subsequent sections accordingly

4. Page 3, line 19.
Following: "PILETHERMOLOGY"
Insert: "which is the study and professional practice of removing superfluous hair by passage of radio frequency energy with electronic tweezers and similar devices"

5. Page 4, line 6 through line 7 on page 6.
Following: line 5
Strike: Section 3 through Section 7 in their entirety

And, as so amended, be concurred in. Report adopted.

HB 726, third reading copy, be amended as follows:

1. Page 1, line 14.
Following: "if"
Insert: "the certified school employee elects to administer such a prescribed medicine and"

2. Page 2, line 20.
Following: "(3) the"
Insert: "certified"

And, as so amended, be concurred in. Report adopted.

HB 734, third reading copy, be amended as follows:

1. Page 9, lines 14 through 18.
Following: line 13
Strike: Section 3 in its entirety

And, as so amended, be concurred in. Report adopted.

HB 735, third reading copy, be amended as follows:

1. Page 9, line 3.
Following: "3."
Insert: "Application."

And, as so amended, be concurred in. Report adopted.

STATE ADMINISTRATION (Story, Chairman):
HB 25, be concurred in. Report adopted.

HB 71, third reading copy, be amended as follows:

1. Page 1, line 13.
Following: "meetings."
Insert: "A public or governmental body may, by rule adopted in a manner substantially similar to that provided for state agencies under Title 2, chapter 4, part 3, define and determine procedures for giving reasonable notice."

2. Page 1, line 14.
Following: "meeting"
Strike: "and"
Insert: ","

3. Page 1, line 16 through line 19.
Following: "meeting"
Strike: remainder of line 16 through line 19
Insert: ", and shall be given at least 48 hours before the meeting. The public or governmental body may provide for acting on emergency items or items that are unanticipated and are raised in good faith"

4. Page 4, line 1.
Following: "2-3-203"
Strike: "OR [SECTION 1]"

5. Page 4, line 3.
Following: "the"
Insert: "earlier of the"

And, as so amended, be concurred in. Report adopted.

HB 102, third reading copy, be amended as follows:

1. Page 2, line 21.
Following: "department" (the first on the line)
Insert: "except royalties or other compensation based on production"

2. Page 2, line 23.
Following: "in"
Insert: "an account within"

3. Page 3, line 4.
Following: "federal"
Insert: "laws"
Following: "state"
Strike: "statues"
Insert: "statutes specifically naming the department or money received by the department"

And, as so amended, be concurred in. Report adopted.

HB 161, third reading copy, be amended as follows:

1. Title, line 6.
Following: "PROGRAM"
Strike: "STATEWIDE"
Insert: "PILOT"

2. Title, line 7.
Following: "PROGRAM"
Insert: "IN THE DEPARTMENT OF HIGHWAYS"

3. Title, line 8.
Following: "PROPOSALS"

Insert: "AND PROVIDING A TERMINATION DATE"

4. Page 1, lines 15 through 18.
Following: "director"
Strike: the remainder of line 15 through line 18 in its entirety
Insert: "of the department of highways"

5. Page 1, line 21 through line 23.
Following: "the"
Strike: the remainder of line 21 through line 23 in its entirety
Insert: "department of highways"

6. Page 1, line 25.
Following: "administer"
Strike: "a statewide"
Insert: "an"

7. Page 2, line 1.
Following: "program"
Insert: "in the department of highways only"

8. Page 4.
Following: line 19
Insert: "Section 7. Program purpose. This program is established as a pilot program to determine whether or not it should be used statewide.

Section 8. Termination date. All provisions of this act shall terminate on July 1, 1983."

And, as so amended, be concurred in. Report adopted.

Statement of Intent, HB 161, third reading copy, be amended as follows:

1. Page 1, line 16.
Following: "throughout"
Strike: "state government"
Insert: "the department of highways"

2. Page 2.
Following: line 22
Insert: "This program is established as a pilot program to determine whether or not it should be used statewide. All the provisions of this act shall expire and terminate on July 1, 1983."

And, as so amended, be concurred in. Report adopted.

HB 329, third reading copy, be amended as follows:

1. Page 1, line 11 through page 4, line 11.
Following: Page 1, line 10
Strike: Section 1 in its entirety
Insert: "Section 1. Section 2-4-405, MCA, is amended to read:

"2-4-405. ~~Estimate of economic~~ Economic impact statement. (1) Upon written request of the administrative code committee based upon the affirmative request of at least five members of the committee at an open meeting, an agency designated by the committee shall prepare a statement of the ~~estimated~~ economic impact of the adoption, amendment, or repeal of a rule as proposed. The administrative code committee may also, by contract, prepare such an estimate. Except to the extent that the request expressly waives any one or more of the following, the requested statement must include

and the statement prepared by the committee may include ~~an estimate of:~~

~~(a) the cost to the state of administering and enforcing the rule;~~

~~(b) the aggregate cost of compliance to all persons affected; and~~

~~(c) any economic benefit of compliance to all persons affected.~~

(a) a description of the classes of persons who will be affected by the proposed rule, including classes that will bear the costs of the proposed rule and classes that will benefit from the proposed rule;

(b) a description of the probable economic impact of the proposed rule upon affected classes of persons and quantifying, to the extent practicable, that impact;

(c) the probable costs to the agency and to any other agency of the implementation and enforcement of the proposed rule and any anticipated effect on state revenues;

(d) an analysis comparing the costs and benefits of the proposed rule to the costs and benefits of inaction;

(e) an analysis that determines whether there are less costly methods or less intrusive methods for achieving the purpose of the proposed rule;

(f) an analysis of any alternative methods for achieving the purpose of the proposed rule that were seriously considered by the agency and the reasons why they were rejected in favor of the proposed rule;

(g) a determination as to whether the proposed rule represents an efficient allocation of public and private resources; and

(h) a quantification or description of the data upon which subsections (1)(a) through (1)(h) are based and an explanation of how the data was gathered.

(2) A request must be made by the committee prior to the final agency action on the rule and shall suspend for not more than 6 months any rulemaking proceedings under this chapter then in effect. If a final rulemaking hearing has already been held or no hearing has been scheduled by the agency, a rehearing, or initial hearing, must be held by the agency upon approval of the statement by the administrative code committee or by the governor. Written notice of the committee's decision to prepare a statement shall be sent to the agency and has the same effect as a committee request to an agency. The statement must be filed with the secretary of state for publication in the register, filed with the administrative code committee and with the governor, and mailed to persons who have requested advance notice of the agency's rulemaking proceedings within 3 months of the committee's request. ~~The statement must be published and mailed at least 20 days prior to the adoption, amendments, or repeal of the rule. If a hearing is held, it must be published 20 days prior to the hearing~~ The committee may withdraw its request for an economic impact statement at any time.

~~(3) If it is impossible to formulate such an estimate, the reasons for impossibility of formulation must be published instead of the estimate.~~

~~(4)~~(3) This section does not apply to rulemaking pursuant to 2-4-303.

~~(5)~~(4) The final adoption, amendment, or repeal of a rule is not subject to challenge in any court as a result of the inaccuracy or inadequacy of a statement required under this section. However, the committee may approve, or recommend disapproval of any statement prepared by an agency or under contract for the committee that it determines inadequately covers those items contained in subsections (1)(a) through (1)(h). No agency may initiate or continue rulemaking proceedings once suspended for any rule substantially the same as the rule for which proceedings were suspended until approval of the applicable statement by the committee, or the governor pursuant to subsection (5), or until expiration of 6 months following suspension of the rule, whichever occurs first. Following approval or expiration, notice of hearing shall be given in accordance with 2-4-302(4).

(5) If the committee recommends disapproval of an economic impact statement, it shall give written notice to the governor of that fact. The governor shall within 5 days of receipt of the committee's notice of recommendations either approve or disapprove the economic impact statement. The governor shall not act to approve or disapprove a statement prior to receipt of notice from the committee.""

2. Page 5, line 25.
Following: "committee"
Insert: "under 2-4-405"

3. Page 6, line 3.
Following: "committee"
Insert: ", by the governor, or the expiration of 6 months from the action of the committee suspending the rule"

4. Page 6, line 5.
Following: "committee"
Insert: "or that additional period of time necessary to provide notice of and conduct a hearing and adopt a rule following the approval of an economic impact statement"

And, as so amended, be concurred in. Report adopted.

HB 336, third reading copy, be amended as follows:

1. Page 2, line 13.
Following: "conducted."
Insert: "(5)"

2. Page 2, line 14.
Following: "place"
Strike: "or engage in any solicitation"
Insert: ". Solicitation"

3. Page 2, line 15.
Following: "issues"
Insert: "or for any other purpose"
Following: "within"
Insert: "any polling place"
Following: "or"
Strike: "at"
Insert: "within 200 feet of"

4. Page 2, line 16.
Following: "place"
Insert: "is obstruction within the meaning of this subsection"

And, as so amended, be concurred in. Report adopted.

HB 436, third reading copy, be amended as follows:

1. Page 3, line 23 through Page 4, line 1.
Following: "institution."
Strike: the remainder of line 23, page 3, through "YEAR" on line 1, page 4
Insert: "At the end of each biennium, all unobligated revolving funds over a $50,000 ending fund balance, except for those funds reserved for equipment replacement as determined by an equipment replacement schedule, shall revert to the state general fund account."

And, as so amended, be concurred in. Report adopted.

HB 766, third reading copy, be amended as follows:

1. Title, line 6.
Following: line 5
Strike: "GUBERNATORIAL"
Insert: "BOARD OF LAND COMMISSIONERS"

2. Page 2, line 6.
Following: "the"
Strike: "governor"
Insert: "board of land commissioners"

3. Page 3, line 1.
Following: "the"
Strike: "governor"
Insert: "board of land commissioners"

And, as so amended, be concurred in. Report adopted.

HB 788, be concurred in. Report adopted.
HB 792, be concurred in. Report adopted.

TAXATION (Goodover, Chairman):
HB 36, third reading copy, be amended as follows:

1. Title, line 9.
Following: "OF SUCH PROPERTY,"
Strike: "AND"

2. Title, line 10.
Following: "ASSESSED"
Insert: "; AND PROVIDING AN EFFECTIVE DATE CONTINGENT ON CONGRESSIONAL ACTION"

3. Page 5, line 25.
Following: line 24
Insert: "Section 4. Effective date — contingent on congressional action. This act is not effective until congress passes legislation that allows the state to tax property owned by an agency created by congress to transmit or distribute electric energy."

And, as so amended, be concurred in. Report adopted.

NATURAL RESOURCES (Dover, Chairman):
HJR 48, third reading copy, be amended as follows:

1. Page 1, line 19.
Following: "lack of"
Strike: "a"
Insert: "knowledge of"
Following: "business"
Strike: "economy and"
Insert: "economies"

2. Page 1, line 20.
Following: line 19
Strike: "free" through "Montana"

3. Page 2, line 18.
Following: "determine"
Strike: "if"
Insert: "how"
Following: "Montana"
Strike: "are being"
Insert: "can be"

4. Page 2, line 19.
Following: line 18
Strike: "inculcated with"
Insert: "taught"

5. Page 2, line 23.
Following: "(4)"
Strike: "investigate"
Insert: "analyse the present tax system in application to business in Montana and determine whether"

6. Page 2, line 24.
Following: "taxation"
Strike: "to"
Insert: "will"

7. Page 3, line 3.
Following: "consumers"
Insert: ", the environment,"

8. Page 3, line 6.
Following: "economy"
Insert: "and the impact of such deregulation or regulation on Montana citizens"

And, as so amended, be concurred in. Report adopted.

JUDICIARY (Anderson, Chairman):
HB 8, be not concurred in.

Thereupon, the Adverse Committee Report was adopted by the following roll call vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, Conover, Crippen, Eck, Elliott, Etchart, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Severson, Smith, Stephens, Stimatz, Thomas, Towe, Van Valkenburg, Mr. President.
Total 41

Noes: Dover, Galt, Hafferman, Kolstad, Lee, Ryan.
Total 6

Excused: None.
Total 0

Absent or not voting: S. Brown, Story, Tveit.
Total 3

HB 214, be not concurred in.

Thereupon, the Adverse Committee Report was adopted by the following roll call vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Thomas, Towe, Van Valkenburg, Mr. President.
Total 47

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: S. Brown, Story, Tveit.
Total 3

HB 273, be not concurred in.

Thereupon, the Adverse Committee Report was adopted by the following roll call vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, Conover, Crippen, Eck, Elliott, Etchart, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Van Valkenburg.
Total 42

Noes: Dover, Galt, Hafferman, Lee, Ryan.
Total 5

Excused: None.
Total 0

Absent or not voting: S. Brown, Tveit, Mr. President.
Total 3

PUBLIC HEALTH, WELFARE AND SAFETY (Hager, Chairman):
HB 577, be not concurred in.

Thereupon, the Adverse Committee Report was adopted by the following roll call vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Van Valkenburg, Mr. President.
Total 48

Noes: None.

Total 0

Excused: None.
Total 0

Absent or not voting: S. Brown, Tveit.
Total 2

HB 686, be not concurred in.

Thereupon, the Adverse Committee Report was adopted by the following roll call vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Story, Towe, Tveit, Van Valkenburg, Mr. President.
Total 46

Noes: Hafferman.
Total 1

Excused: None.
Total 0

Absent or not voting: Lee, Stimatz, Thomas.
Total 3

MOTIONS

Senator Goodover moved, duly carried, that Senate Bill No. 150 be taken from the Committee on Bills and Journal and rereferred to the Taxation Committee.

At the request of the President, and without objection, the Senate reverted to Order of Business No. 2.

REPORTS OF STANDING COMMITTEES

TAXATION (Goodover, Chairman):
HB 188, be not concurred in.

Thereupon, the Adverse Committee Report was adopted by the following roll call vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, B. Brown, Conover, Crippen, Eck, Elliott, Galt, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Manning, Mazurek, McCallum, Nelson, Ochsner, O'Hara, Olson, Regan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Mr. President.
Total 37

Noes: Boylan, Dover, Goodover, Hafferman, Kolstad, Lee, Manley, Norman, Ryan, Van Valkenburg.
Total 10

Excused: None.
Total 0

Absent or not voting: S. Brown, Etchart, Tveit.
Total 3

REPORTS OF SELECT COMMITTEES

JOINT CONFERENCE COMMITTEE
ON HOUSE BILL NO. 301
Report No. 1, March 23, 1981

MR. PRESIDENT AND SPEAKER OF THE HOUSE:

We, your Joint Conference Committee on House Bill No. 301, reference bill, met March 23, 1981, and considered:

Senate Standing Committee on Judiciary Amendment, dated March 4, 1981 and recommend as follows:

That House Bill No. 301, reference copy, be amended as follows:

1. Page 2, line 24.
Following: "~~shall~~"
Strike: "MAY"
Insert: "shall"

And that the Joint Conference Committee Report on House Bill No. 301 be adopted.

FOR THE SENATE:

Senator O'Hara, Chairman
Senator Ryan
Senator Van Valkenburg

FOR THE HOUSE:

Representative Matsko, Chairman
Representative Gould
Representative Keedy

Report adopted.

MESSAGES FROM THE GOVERNOR

March 25, 1981

The Honorable Jean Turnage
President of the Senate
State Capitol
Helena, Montana 59620

Dear Mr. President:

This is to inform you that I have signed the following measures this date:

Senate Bill Nos. 264, 155, 450, 170, 117, 2.

Sincerely,

TED SCHWINDEN
Governor

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following Senate Bills were on 3/24/81, concurred in and returned to the Senate:

Senate Bill No. 368, introduced by Elliott (99-0)

Senate Bill No. 405, introduced by Regan (98-1)

Senate Bill No. 407, introduced by S. Brown (91-7)

Senate Bill No. 414, introduced by Boylan (96-0)

Senate Bill No. 424, introduced by Himsl (88-8)

Senate Bill No. 445, introduced by Hazelbaker (98-0)

Senate Bill No. 455, introduced by Johnson (95-3)

Senate Bill No. 284, introduced by Stimatz (97-0)

Senate Bill No. 306, introduced by Himsl (98-1)

Senate Bill No. 309, introduced by S. Brown (95-1)

Senate Bill No. 310, introduced by S. Brown (99-0)

Senate Bill No. 312, introduced by Himsl (98-0)

Senate Bill No. 314, introduced by Anderson (95-4)

Senate Bill No. 328, introduced by Thomas (97-0)

Senate Bill No. 336, introduced by Ryan (96-0)

Senate Bill No. 350, introduced by Stimatz (92-4)

The following Senate Bills were on 3/24/81, concurred in as amended, and returned to the Senate for concurrence in House Amendments:

Senate Bill No. 316, introduced by Towe (98-1)

Senate Bill No. 341, introduced by Mazurek (99-0)

Senate Bill No. 363, introduced by Ochsner (98-0)

Senate Bill No. 434, introduced by Tveit (86-12)

Senate Bill No. 456, introduced by Mazurek (93-5)

The following Senate Bills were on 3/24/81, not concurred in on Standing Committee Report, and returned to the Senate:

Senate Bill No. 131, introduced by Boylan

Senate Bill No. 133, introduced by Manley

Senate Bill No. 297, introduced by Turnage

MOTIONS

Upon motion of Senator Goodover, duly carried, that Senate Bill No. 283 be taken from the Committee on Bills and Journal and rereferred to the Committee on Taxation.

Upon motion of Senator Aklestad, duly carried, that House Bill No. 811 pass consideration.

Upon motion of Senator B. Brown, duly carried, that House Bill No. 675 be taken from the Committee on Bills and Journal and rereferred to the Committee on Finance and Claims.

Senator Goodover moved, duly carried, that House Bill No. 629 be placed below House Bill No. 562.

Senator Stephens moved to temporarily suspend the Joint Rules to extend the time of receipt of House Appropriations Bills to the Senate until 5:00 p.m. on April 3, 1981. Motion carried by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek,

McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: Tveit.
Total 1

Senator Elliott moved that House Bill No. 364 be taken from Third Reading this Legislative Day and placed on Second Reading. Motion carried by the following vote:

Ayes: Aklestad, Blaylock, Conover, Crippen, Elliott, Etchart, Goodover, Graham, Haffey, Halligan, Hammond, Hazelbaker, Healy, Himsl, Keating, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, Olson, Severson, Stephens, Towe, Van Valkenburg, Mr. President.
Total 28

Noes: Anderson, Berg, Boylan, S. Brown, Eck, Hafferman, Hager, Jacobson, Johnson, Kolstad, Lee, O'Hara, Regan, Ryan, Smith, Story, Tveit.
Total 17

Excused: None.
Total 0

Absent or not voting: B. Brown, Dover, Galt, Stimatz, Thomas.
Total 5

Senator Ryan moved to take House Bill No. 635 from Third Reading, and that it be printed and placed on Second Reading. Motion failed by the following vote:

Ayes: Aklestad, Boylan, Etchart, Goodover, Hafferman, Halligan, Kolstad, Lee, Manley, Nelson, Norman, Ryan, Stephens.
Total 13

Noes: Berg, Blaylock, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Graham, Haffey, Hager, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Mazurek, McCallum, Ochsner, O'Hara, Olson, Regan, Severson, Smith, Stimatz, Story, Thomas, Towe, Van Valkenburg, Mr. President.
Total 33

Excused: None.
Total 0

Absent or not voting: Anderson, Galt, Manning, Tveit.
Total 4

FIRST READING OF BILLS

The following Senate Joint Resolution was introduced, read first time and referred to committee:

SJR 33, introduced by Regan, Turnage, Elliott, Goodover, Lee, Stephens, Blaylock. Referred to Committee on Business and Industry.

At the request of the President, and without objection, the Senate reverted to Order of Business No. 6.

MOTIONS

Upon motion of Senator Stephens, duly carried, that the House return House Bill No. 237 for purposes of reconsideration.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

Senate Bill No. 409 was passed by the following vote:

Ayes: Aklestad, Anderson, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Ochsner, O'Hara, Olson, Ryan, Severson, Smith, Stephens, Stimatz, Thomas, Towe, Van Valkenburg.
Total 43

Noes: Berg, Blaylock, Norman, Regan, Story, Mr. President.
Total 6

Excused: None.
Total 0

Absent or not voting: Tveit.
Total 1

Senate Joint Resolution No. 26 was passed by the following vote:

Ayes: Aklestad, Anderson, Boylan, B. Brown, Conover, Crippen, Dover, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Ryan, Severson, Smith, Stephens, Story, Thomas, Tveit, Van Valkenburg.
Total 41

Noes: Berg, Blaylock, S. Brown, Eck, Haffey, Regan, Stimatz, Towe, Mr. President.
Total 9

Excused: None.
Total 0

Absent or not voting: None.
Total 0

House Bill No. 26 was concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.

Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

House Bill No. 343 was concurred in by the following vote:

Ayes: Aklestad, Anderson, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: Berg, Goodover.
Total 2

House Bill No. 370 was concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

House Bill No. 408 was concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

House Amendments to Senate Bill No. 255 were concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

At the request of the President, and without objection, the Senate reverted to Order of Business No. 8.

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Blaylock in the Chair.

Senate resumed. President Turnage in the Chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on Second Reading, recommend as follows:

That the Free Conference Committee Report on Senate Bill No. 72 be adopted by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

That Senate Joint Resolution No. 28 be amended as follows:

1. Title, line 8.
Following: "AGING"
Insert: "AND THE STATE AGING SERVICES BUREAU"

2. Page 2, line 4.

Following: "aging"
Insert: "and the state aging services bureau"

Amendments passed by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

That Senate Joint Resolution No. 28, as amended, do pass by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

That Senate Joint Resolution No. 31 do pass by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

That House Bill No. 197 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

That House Bill No. 220 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

That House Bill No. 246 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

That House Bill No. 357 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham,

Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

That House Bill No. 377 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

That House Bill No. 378 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

That House Bill No. 380 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan,

Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

That House Bill No. 385 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

That House Bill No. 398 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

That House Bill No. 425 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

That House Bill No. 498 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

That House Bill No. 562 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

That House Bill No. 629 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.

Total 0

Absent or not voting: None.
Total 0

That House Bill No. 578 pass consideration. Unanimously passed.

That House Bill No. 678 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

That House Bill No. 692 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

That House Bill No. 698, without objection, be moved below House Joint Resolution No. 29.

That House Bill No. 710 pass consideration. Unanimously passed.

That House Bill No. 713 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: Towe.

Total 1

Excused: None.
Total 0

Absent or not voting: None.
Total 0

That House Joint Resolution No. 29 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

That House Bill No. 698 be amended as follows:

1. Page 1, line 23.
Strike: "of record"

2. Page 2, line 2.
Strike: "of record"

3. Page 2, line 19.
Strike: "of record"

Amendments passed by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

That House Bill No. 698, as amended, be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham,

Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

That the Committee rise and report and beg leave to sit again. (Blaylock, Chairman)

Upon motion of Senator Blaylock, duly carried, the foregoing Report of the Committee of the Whole was adopted.

At the request of Senator Stephens, and without objection, the Senate reverted to Order of Business No. 6.

MOTIONS

Senator Stephens moved, duly carried, to recess at the hour of 5:10 p.m. until the hour of 5:20 p.m.

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Blaylock in the Chair.

Senate resumed. President Turnage in the Chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on Second Reading, recommend as follows:

That House Bill No. 463, third reading copy, be amended as follows:

1. Title, lines 7 and 8.
Following: "FIREARMS"
Insert: all stricken language

2. Page 1, line 16.
Following: "REGENTS"
Strike: "."
Insert: ":"

3. Page 1, lines 17 through 20.
Following: line 16
Insert: all stricken language through "~~exists~~." on line 20

Amendments passed by the following vote:

Ayes: Aklestad, Anderson, Berg, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Graham, Haffey, Hager, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Keating, Kolstad, Manley, Mazurek, McCallum, Nelson, Ochsner, O'Hara, Olson, Ryan, Severson, Smith, Stephens, Story, Thomas, Towe, Tveit.
Total 37

Noes: Blaylock, Boylan, Goodover, Hafferman, Halligan, Johnson, Lee, Manning, Norman, Regan, Van Valkenburg, Mr. President.

Total 12

Excused: None.
Total 0

Absent or not voting: Stimatz.
Total 1

That House Bill No. 463, third reading copy, be amended as follows:

That the following amendment of the Senate Committee of the Whole be amended to read:

3. Page 1.
Following: line 16
Insert: "(1) between 5 P.M. and 8 A.M.; and

(2) whenever guarding money or other valuables."

Amendment passed by the following vote:

Ayes: Berg, Blaylock, Boylan, Conover, Crippen, Eck, Hafferman, Haffey, Halligan, Healy, Himsl, Jacobson, Johnson, Keating, Manley, Manning, Mazurek, Norman, Regan, Stephens, Thomas, Towe, Van Valkenburg, Mr. President.
Total 24

Noes: Aklestad, Anderson, B. Brown, S. Brown, Dover, Elliott, Etchart, Goodover, Graham, Hager, Kolstad, Lee, McCallum, Nelson, Ochsner, Olson, Ryan, Severson, Smith, Tveit.
Total 20

Excused: None.
Total 0

Absent or not voting: Galt, Hammond, Hazelbaker, O'Hara, Stimatz, Story.
Total 6

That House Bill No. 463, as amended, be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, B. Brown, S. Brown, Conover, Eck, Elliott, Graham, Hafferman, Haffey, Hammond, Himsl, Jacobson, Manley, Mazurek, McCallum, Nelson, Ochsner, Olson, Ryan, Severson, Smith, Story, Towe, Tveit.
Total 26

Noes: Blaylock, Boylan, Crippen, Dover, Etchart, Goodover, Hager, Halligan, Hazelbaker, Healy, Johnson, Keating, Kolstad, Lee, Manning, Norman, Regan, Stephens, Thomas, Van Valkenburg, Mr. President.
Total 21

Excused: None.
Total 0

Absent or not voting: Galt, O'Hara, Stimatz.
Total 3

That Senate Bill No. 337 pass consideration. Unanimously passed.

That Senate Bill No. 466 do pass by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham,

Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total: 0

Absent or not voting: None.
Total 0

That Senate Bill No. 476 pass consideration. Unanimously passed.

That Senate Joint Resolution No. 30 do pass by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

That House Bill No. 162 be concurred in. Motion failed by the following vote:

Ayes: Aklestad, Anderson, Berg, B. Brown, S. Brown, Conover, Crippen, Dover, Elliott, Hafferman, Hager, Halligan, Jacobson, Kolstad, Lee, Manning, Mazurek, McCallum, Nelson, O'Hara, Story, Thomas.
Total 22

Noes: Blaylock, Boylan, Eck, Etchart, Galt, Goodover, Graham, Haffey, Hammond, Hazelbaker, Healy, Himsl, Johnson, Keating, Manley, Norman, Ochsner, Olson, Regan, Ryan, Smith, Stephens, Towe, Tveit, Van Valkenburg, Mr. President.
Total 26

Excused: None.
Total 0

Absent or not voting: Severson, Stimatz.
Total 2

That House Bill No. 162 be indefinitely postponed. Motion carried by the following vote:

Ayes: Blaylock, Boylan, Crippen, Eck, Etchart, Galt, Goodover, Graham, Haffey, Hammond, Hazelbaker, Healy, Himsl, Johnson, Keating, Manley,

Nelson, Norman, Ochsner, Olson, Regan, Ryan, Smith, Stephens, Story, Towe, Mr. President.
Total 27

Noes: Aklestad, Berg, B. Brown, S. Brown, Conover, Dover, Elliott, Hafferman, Hager, Halligan, Jacobson, Kolstad, Lee, Manning, Mazurek, McCallum, Thomas, Tveit, Van Valkenburg.
Total 19

Excused: None.
Total 0

Absent or not voting: Anderson, O'Hara, Severson, Stimatz.
Total 4

That House Bill No. 209 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

That House Bill No. 569 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

That House Bill No. 595 be concurred in. Motion failed by the following vote:

Ayes: Aklestad, Dover, Etchart, Galt, Hammond, Healy, Kolstad, Lee, Manley, McCallum, Ochsner, O'Hara, Ryan, Smith, Stephens.
Total 15

Noes: Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Eck, Elliott, Goodover, Graham, Hafferman, Haffey, Hager,

Halligan, Hazelbaker, Himsl, Jacobson, Johnson, Keating, Manning, Mazurek, Nelson, Norman, Olson, Regan, Severson, Story, Towe, Tveit, Van Valkenburg, Mr. President.
Total 33

Excused: None.
Total 0

Absent or not voting: Stimatz, Thomas.
Total 2

That House Bill No. 595 be indefinitely postponed. Motion carried by the following vote:

Ayes: Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Eck, Elliott, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Manning, Mazurek, McCallum, Nelson, Norman, Regan, Severson, Story, Towe, Van Valkenburg, Mr. President.
Total 33

Noes: Aklestad, Dover, Etchart, Kolstad, Lee, Manley, Ochsner, O'Hara, Olson, Smith, Stephens, Tveit.
Total 12

Excused: None.
Total 0

Absent or not voting: Galt, Hammond, Ryan, Stimatz, Thomas.
Total 5

That House Bill No. 440 be concurred in. Motion failed by the following vote:

Ayes: Berg, Blaylock, S. Brown, Eck, Hager, Halligan, Manning, Mazurek, Regan, Van Valkenburg.
Total 10

Noes: Aklestad, Anderson, Boylan, B. Brown, Conover, Crippen, Dover, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Ryan, Severson, Smith, Stephens, Story, Towe, Tveit, Mr. President.
Total 38

Excused: None.
Total 0

Absent or not voting: Stimatz, Thomas.
Total 2

That House Bill No. 440 be indefinitely postponed. Motion carried by the following vote:

Ayes: Aklestad, Anderson, Boylan, B. Brown, Conover, Crippen, Dover, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Ryan, Severson, Smith, Stephens, Story, Towe, Tveit, Mr. President.
Total 39

Noes: Berg, Blaylock, S. Brown, Eck, Hager, Halligan, Manning, Regan, Van Valkenburg.
Total 9

Excused: None.
Total 0

Absent or not voting: Stimatz, Thomas.
Total 2

That the Committee rise and report. (Blaylock, Chairman)

Upon motion of Senator Blaylock, duly carried, the foregoing Report of the Committee of the Whole was adopted.

At the request of the President, and without objection, the Senate reverted to Order of Business No. 2.

REPORTS OF STANDING COMMITTEES

The Senate will please take note that the President did, at the hour of 5:00 p.m., 3/25/81, sign the following bills:

SB 14, SB 16, SB 80, SB 120, SB 134, SB 159 SB 183, SB 187, SB 215, SB 267, HB 16, HB 35, HB 67, HB 99, HB 106, HB 284, HB 285, HB 286, HB 296, HB 405, HB 409, HB 411, HB 435, HB 439, HB 452, HB 462, HB 494, HB 522, HB 528, HB 534, HB 535, HB 537, HB 547, HB 630, HB 681, HB 690, HB 748, HB 749, HJR 19, HJR 22.

Jean A. Turnage
President

BILLS (O'Hara, Chairman):

Correctly enrolled - SB 14, SB 16, SB 80, SB 120, SB 134, SB 159, SB 183, SB 187, SB 215, SB 267. Report adopted.

I have examined Senate Bill No. 14 introduced by me and find the same to be correct. (Towe)

I have examined Senate Bill No. 16 introduced by me and find the same to be correct. (E. Smith)

I have examined Senate Bill No. 80 introduced by me and find the same to be correct. (Turnage)

I have examined Senate Bill No. 120 introduced by me and find the same to be correct. (Ochsner)

I have examined Senate Bill No. 134 introduced by me and find the same to be correct. (Elliott)

I have examined Senate Bill No. 159 introduced by me and find the same to be correct. (M. Anderson)

I have examined Senate Bill No. 183 introduced by me and find the same to be correct. (Hammond)

I have examined Senate Bill No. 187 introduced by me and find the same to be correct. (Graham)

I have examined Senate Bill No. 215 introduced by me and find the same to be correct. (Mazurek)

I have examined Senate Bill No. 267 introduced by me and find the same to be correct. (Mazurek)

MOTIONS

Senator Berg moved that the Senate reconsider its action taken in adopting the Adverse Committee Report on House Bill No. 554 and that it be placed on Second Reading. Motion failed by the following vote:

Ayes: Anderson, Berg, Blaylock, Boylan, Conover, Crippen, Eck, Haffey, Healy, Jacobson, Johnson, Kolstad, Lee, Manning, Mazurek, Ochsner, O'Hara, Regan, Ryan, Towe, Van Valkenburg.
Total 21

Noes: Aklestad, B. Brown, S. Brown, Dover, Elliott, Etchart, Galt, Goodover, Hafferman, Hager, Halligan, Hammond, Hazelbaker, Himsl, Keating, Manley, McCallum, Nelson, Norman, Olson, Severson, Smith, Stephens, Story, Tveit, Mr. President.
Total 26

Excused: None.
Total 0

Absent or not voting: Graham, Stimatz, Thomas.
Total 3

Upon motion of Senator Stephens, duly carried, the Senate adjourned at 7:08 p.m. until Thursday, March 26, at the hour of 11:00 a.m.

JEAN A. TURNAGE
President of the Senate

JOHN W. LARSON
Secretary of the Senate

SIXTY-SEVENTH LEGISLATIVE DAY

Helena, Montana
March 26, 1981

Senate Chambers
Capitol Building

Senate convened at 11:00 a.m., President Turnage presiding. Invocation by the Chaplain. Pledge of Allegiance to the Flag.

Roll call. All members present except Ryan, Smith, Stimatz, excused. Quorum present.

Mr. President: We, your Committee on Bills and Journal, having examined the daily journal for the Sixty-sixth Legislative Day, find the same to be correct.

O'HARA, Chairman

REPORTS OF STANDING COMMITTEES

BILLS (O'Hara, Chairman):
Signed by the Speaker of the House and President of the Senate, 3/26/81, at the hour of 10:30 a.m., delivered to the Governor for his approval—SB 14, SB 16, SB 80, SB 120, SB 134, SB 159, SB 183, SB 187, SB 215, SB 267. Report adopted.

Correctly engrossed - SB 466, SJR 28, SJR 30, SJR 31. Report adopted.

STATE ADMINISTRATION (Story, Chairman):
SJR 32, do pass. Report adopted.

FINANCE AND CLAIMS (Himsl, Chairman):
HB 442, be concurred in. Report adopted.

FISH AND GAME (Smith, Chairman):
HB 152, third reading copy, be amended as follows:

1. Page 3, line 9.
Strike: "Civil penalty—injunction"
Insert: "Injunction"

2. Page 3, lines 10 through 17.
Strike: subsection (1) in its entirety
Renumber: subsequent subsections

3. Page 4, line 1.
Strike: "or (2)"

4. Page 4, lines 4 through 8.
Strike: subsection (4) in its entirety

And, as so amended, be concurred in. Report adopted.

Statement of Intent, HB 152, be concurred in. Report adopted.

HB 200, third reading copy, be amended as follows:

1. Title, line 8.
Strike: "TRAPPING,"

2. Page 2, line 22.
Strike: "$2"
Insert: "$3"

3. Page 3, line 3.

Strike: "$6"
Insert: "$7"

4. Page 4, lines 7 through 22.
Strike: Sections 7 and 8 in their entirety
Renumber: subsequent sections

5. Page 6, line 8.
Strike: "$250"
Insert: "$275"

6. Page 7, line 12 through line 15 on page 8.
Strike: Sections 12 through 14 in their entirety
Renumber: subsequent sections

7. Page 12, line 11 through line 11 on page 13.
Strike: Sections 20 and 21 in their entirety
Renumber: subsequent sections

8. Page 14, lines 3 through 23.
Strike: Section 23 in its entirety
Renumber: subsequent sections

9. Page 15, line 7.
Following: "Section"
Strike: "19"
Insert: "14"

10. Page 15, line 9.
Following: "section"
Strike: "19"
Insert: "14"

11. Page 15, line 12.
Following: "Sections 2 and"
Strike: "19"
Insert: "14"

12. Page 15, line 13.
Following: "Section"
Strike: "24"
Insert: "16"

13. Page 15, line 14.
Following: "Section"
Strike: "16"
Insert: "11"

14. Page 15, line 15.
Following: "Sections"
Strike: "17 and 18"
Insert: "12 and 13"

And, as so amended, be concurred in. Report adopted.

HB 222, third reading copy, be amended as follows:

1. Page 1, line 14 through line 6 on page 2.
Strike: Section 1 in its entirety
Insert: "Section 1. Maximum noise emissions from motorboats. No motorboat may be operated in or upon the waters of this state if it emits noise that exceeds 86 dbA measured at a distance of 50 feet from the motorboat except those motorboats permitted under the provisions of [section 4]."

2. Page 2, line 11.
Strike: "levels"
Insert: "level"

3. Page 2, line 12.
Following: line 11
Strike: "subsection (2) of"

4. Page 2, lines 19 through 24.
Strike: Section 3 in its entirety
Renumber: all subsequent sections

5. Page 2, line 25 through line 16 on page 3.
Strike: Section 4 in its entirety
Insert: "Section 4. Exceptions. [Sections 2 through 3] do not apply to:

(1) a motorboat that is:

(a) registered by a bona fide national boat racing association and displaying numbering approved by that association; and

(b) authorized by a permit issued on an annual basis by the department.

(2) a motorboat or boats competing in a regatta that is sanctioned by a bona fide national boat racing association including those motorboats or boats sanctioned by that association for testing for not more than 2 days prior to competition in a regatta.

(3) a motorboat or airboat operated by legally designated search and rescue units, law enforcement officers, or personnel of a federal, state, or local government agency on emergency duty or in training for emergency duty.

(4) vessels commonly known as airboats."

6. Page 3, line 22.
Strike: "5"
Insert: "4"

7. Page 3, line 24.
Strike: "5"
Insert: "4"

8. Page 11, line 2.
Strike: "5"
Insert: "4"

9. Page 11, line 4.
Following: "through"
Strike: "5"
Insert: "4"

And, as so amended, be concurred in. Report adopted.

The Committee adopted the following Statement of Intent:

STATEMENT OF INTENT: House Bill No. 222

A statement of intent is required for this bill because it delegates rulemaking authority to the Department of Fish, Wildlife, and Parks to adopt rules prescribing:

(1) the manner of certification by manufacturers of outboard motors and other marine engines manufactured after January 1, 1982, as having been tested and found to comply with the noise level limit in Section 1;

(2) the testing procedures employed to determine compliance on a voluntary basis by owners of outboard motors and other marine engines manufactured before January 1, 1982.

As prescribed in Section 2 of the bill, the testing procedures employed to determine outboard and marine engine noise shall comply with the exterior sound level measurement procedure for pleasure motorboats recommended by the society of automotive engineers in its recommended practice designated SAEJ34. The department shall establish a program throughout the state whereby boaters can voluntarily have their motorboats checked for compliance with the noise level limit in Section 1.

Section 4 of this bill requires that the Department of Fish, Wildlife, and Parks will issue a permit on an annual basis to the owner of a motorboat that is registered by a bona fide national boat racing association and displaying numbering approved by that association in order to exempt the motorboat from compliance with the noise level limit in Section 1 for the purposes of competing in regattas and testing for competition races. Before issuing the permit, the department shall require proof of registration and displayed numbering by the bona fide national boat racing association. In addition, the department shall determine whether the racing association that the motorboat is registered with is in fact a legitimate nationally recognized boat racing association.

First adopted by the Senate Fish and Game Committee on the 25th day of March 1981.

Report adopted.

HB 731, third reading copy, be amended as follows:

1. Page 2, line 11.
Strike: "<u>or floating</u>"

2. Page 4, lines 3 through 10.
Strike: subsection (6) in its entirety
Insert: "(6) when the commission determines it necesary to protect the fishing resource, public health, public safety, or public welfare, establish and regulate a moratorium on either or both the Madison River or Big Hole River, on the issuance of outfitter licenses for the purpose of float fishing as defined in 87-4-101(4)(c) except that those fishing outfitters licensed in 1980 may receive renewal licenses, if qualified. The total number of professional guide licenses endorsed by fishing outfitters under a moratorium shall not be less than the total number issued in 1980. A moratorium may commence April 1, 1981, and may terminate before April 1, 1983."

And, as so amended, be concurred in. Report adopted.

HB 738, be concurred in. Report adopted.

JUDICIARY (Anderson, Chairman):
HB 536, be concurred in. Report adopted.

HB 703, third reading copy, be amended as follows:

1. Title, lines 4 through 5.
Following: the second "ACT" on line 4
Insert: "PERTAINING"
Following: "TO" on line 4
Strike: line 4 through "FOR" on line 5

2. Title, line 6.
Following: ";"
Strike: line 6
Insert: "CONSIDERING"

3. Page 1, line 20.
Following: "custody"
Strike: "to any interested party"

4. Page 1, line 23.
Following: "establish"
Strike: "preferences and"

5. Page 2, lines 2 through 3.
Following: "awarded" on line 2
Strike: "in"
Insert: "to"
Following: "following" on line 2
Strike: line 2 through "preference" on line 3

6. Page 2, line 17.
Following: "3."
Strike: "Presumption in favor of joint"
Insert: "Joint"

7. Page 2, lines 20 through 21.
Following: "custody," on line 20
Strike: line 20 through "that" on line 21
Insert: "the court shall consider whether or not"

And, as so amended, be concurred in. Report adopted.

LOCAL GOVERNMENT (McCallum, Chairman):
HB 479, third reading copy, be amended as follows:

1. Title, line 5.
Following: "MCA"
Insert: "AND PROVIDING AN IMMEDIATE EFFECTIVE DATE"

2. Page 4.
Following: line 4
Insert: "Section 2. Effective date. This act is effective on passage and approval."

And, as so amended, be concurred in. Report adopted.

HB 555, be concurred in. Report adopted.
HB 770, be concurred in. Report adopted.

NATURAL RESOURCES (Dover, Chairman):
HB 90, third reading copy, be amended as follows:

1. Title, line 8.
Following: "TO"
Strike: "60"
Insert: "45"

2. Page 2, line 1.
Following: "~~14~~"
Strike: "60"
Insert: "45"

And, as so amended, be concurred in. Report adopted.

HB 397, be concurred in. Report adopted.

HB 652, third reading copy, be amended as follows:

1. Page 4, lines 4 and 5.
Following: "department" on line 4
Strike: "OR DEPARTMENT OF STATE LANDS" on lines 4 and 5

2. Page 4, lines 11 and 12.
Following: "department" on line 11
Strike: "OR DEPARTMENT OF STATE LANDS" on lines 11 and 12

3. Page 5, line 6.
Following: "department"
Strike: "OR DEPARTMENT OF STATE LANDS"

4. Page 9, line 25.
Following: "FOR"
Strike: "LICENSING AND"

5. Page 12, line 3.
Following: "ISSUANCE OF"
Insert: "uranium or thorium milling or concentration"

6. Page 12, line 5.
Following: "APPLICATION."
Insert: "The department shall establish a fee structure for such milling or concentration licenses which includes an application fee and an annual license maintenance fee. The maintenance fee shall be set at a level which, taking account of the nature and size of the various types of licenses and activities, will defray the department's costs of inspections, review, and approval of license revisions."

And, as so amended, be concurred in. Report adopted.

Statement of Intent, HB 652, third reading copy, be amended as follows:

1. Page 1, line 23.
Following: "for"
Strike: "licensing and"

2. Page 1, line 24.
Following: "purposes"
Strike: "or"
Insert: "of"

3. Page 2, line 1.
Following: "75-3-202."
Strike: "The"
Insert: "The department is given rulemaking authority for establishing a fee structure for issuing licenses which includes an application fee and an annual license fee. Fee structures are established solely to cover the department's cost of inspection, review, and approval of license revisions. The department of health and the"

4. Page 2, line 3.
Following: "[section 7]"
Insert: "Rulemaking authority is given to the department of health or the department of state lands to regulate the processing of exempt ores. In regulating this processing, the department is directed to take such measures as are necessary to protect the public's health."

And, as so amended, be concurred in. Report adopted.

PUBLIC HEALTH, WELFARE AND SAFETY (Hager, Chairman):

HB 445, be concurred in. Report adopted.

HB 646, third reading copy, be amended as follows:

1. Page 3, lines 11 and 12.
Following: "to"
Insert: "three to"
Following: "six"
Strike: "or fewer"
Following: "children"
Insert: "from separate families"

2. Page 3, line 12.
Following: "basis"
Insert: "that elects to be eligible for payments under sections 53-4-514 and 53-4-516"

3. Page 3, line 15.
Following: "basis"
Insert: "that elects to be eligible for payment under sections 53-4-514 and 53-4-516"

4. Page 4, line 18.
Following: "home"
Insert: "as defined in 53-4-501,"

5. Page 4, line 21.
Following: "home"
Insert: ", as defined in 53-4-501,"

6. Page 5, line 2.
Following: "children"
Strike: "must be"
Insert: "are not"

7. Page 5, line 3.
Following: line 2
Strike: "THE MANNER PROVIDED FOR IN DEPARTMENT REGULATIONS IN"

8. Page 5, line 15.
Following: "home"
Insert: ", as defined in 53-4-501,"

9. Page 5, line 23.
Following: "home"
Insert: ", as defined in 53-4-501,"

10. Page 13, line 3.
Following: "home"
Insert: "as defined in 53-4-501"

11. Page 15, line 23.
Following: "certificate"
Insert: ", as required by this part"

12. Page 17, line 23 through page 18, line 5.
Strike: Section 18 in its entirety
Renumber: subsequent subsection

And, as so amended, be concurred in. Report adopted.

Statement of Intent, HB 646, third reading copy, be amended as follows:

1. Page 1, line 13.
Following: "for"
Strike: "6 or fewer"
Insert: "three to six"

2. Page 1, line 14.
Following: "children"
Insert: "from separate families"

And, as so amended, be concurred in. Report adopted.

HB 701, third reading copy, be amended as follows:

1. Title, lines 7 and 8.
Following: "by"
Strike: "PROVIDING FOR COMPENSATION FOR BOARD MEMBERS; TO CLARIFY"
Insert: "CLARIFYING"

2. Title, line 9 through line 13.
Following: "APPLICANT;" on line 9
Strike: lines 9, 10, 11, and 12 through "BOTH;" on line 13

3. Title, lines 15 and 16.
Following: "SECTIONS"
Strike: "37-11-203,"
Following: "37-11-303"
Strike: ", 37-11-304, AND 37-11-307 THROUGH"
Insert: "AND"

4. Page 1, line 19 through page 2, line 6.
Strike: Section 1 in its entirety
Renumber: subsequent sections

5. Page 3, line 3 through page 5, line 11.
Strike: Sections 3, 4, and 5 in their entirety
Renumber: subsequent sections

6. Page 6, line 19 through page 7, line 3.
Strike: Section 7 in its entirety

And, as so amended, be concurred in. Report adopted.

The Committee adopted the following Statement of Intent:

STATEMENT OF INTENT: House Bill No. 701

A statement of intent is required for this bill because rulemaking authority for the issuance of a temporary license is given in Section 6. The Board may adopt necessary and reasonable rules to govern the procedure for the application for and the issuance of a temporary license. The license shall be issued for a period not to exceed 1 year as provided in Section (6) (1) or until the board makes a final determination on the applicant's examination scores as provided in Section (6) (2).

First adopted by the Senate Public Health, Welfare and Safety Committee on the 25th day of March 1981.

Report adopted.

STATE ADMINISTRATION (Story, Chairman):
HB 48, third reading copy, be amended as follows:

1. Page 2, line 7.
Following: "(5)"
Insert: "(a)"

2. Page 2, line 11.
Following: "any"
Strike: "form of"

3. Page 2, lines 12 through 16.
Following: "pay"
Strike: remainder of line 12 through "absence, the" on line 16
Insert: ", the member shall select one of the following options:

(i) use the total termination pay in the calculation of the average final compensation. The member and the employer shall pay such contributions to the retirement system as are determined by the board to adequately compensate the system for the additional retirement benefit. The contributions must be made at the time the termination pay is received;

(ii) use a yearly amount of termination pay added to each of the 3 consecutive years' salary used in the calculation of the average final compensation. The"

4. Page 2, line 20.
Following: "amount."
Strike: remainder of line 20 through line 22 in its entirety
Insert: "The member and the employer must pay the regular contribution on the termination pay; or

(iii) exclude the termination pay from the average final compensation. No contribution is required of either the employer or member.

(b) For purposes of this subsection, termination pay includes any form of termination pay or any lump sum payment for deferred compensation, sick leave, or accumulated vacation credit or any other payment for time not worked other than compensation received while on sick leave or authorized leave of absence."

And, as so amended, be concurred in. Report adopted.

HB 97, third reading copy, be amended as follows:

1. Page 5.
Following: line 5
Insert: "Section 4. Applicability. The amendments to sections 2, 3, and 4 of this act apply only to persons who join the retirement system following the effective date of this act."

And, as so amended, be concurred in. Report adopted.

HB 330, third reading copy, be amended as follows:

1. Page 2, line 1.
Following: "MEMBERS"
Strike: "NOT HOLDING SUCH"
Insert: "who do not have the"

2. Page 2, line 2.
Following: "QUALIFICATIONS"
Strike: "SHALL"
Insert: "described in subsection (2)(a) or (2)(b) and who"
Following: "DEMONSTRATED"

Insert: "an"

And, as so amended, be concurred in. Report adopted.

HB 372, third reading copy, be amended as follows:

1. Page 4, line 6.
Following: "incapacitated"
Strike: "or if"
Insert: "his disability retirement allowance must be canceled when he is offered a position under subsection (2). If"

2. Page 4, line 8.
Following: "canceled"
Insert: "when he is notified of the determination of the board"

3. Page 4, line 13.
Following: "capacity"
Insert: ", whichever is first open"

4. Page 4, line 16 and line 17.
Following: "(3)"
Strike: lines 16 and 17 in their entirety
Insert: "The department of highways may request a medical or psychological review as to the ability of the member to return to work as a member of the highway patrol. If the board's findings are upheld, the department shall pay the cost of the review."

5. Page 6, line 5.
Following: "incapacitated"
Strike: "or if"
Insert: ", his disability retirement allowance must be canceled when he is offered a position under subsection (2). If"

6. Page 6, line 7.
Following: "canceled"
Insert: "when he is notified of the determination of the board"

7. Page 6, line 12.
Following: "capacity"
Insert: ", whichever is first open"

8. Page 6, line 15.
Following: line 14
Insert: "(3) The public body required to reinstate a person under subsection (2) may request a medical or psychological review as to the ability of the member to return to work as a member of the sheriff's department. If the board's findings are upheld, the public body shall pay the cost of the review."

9. Page 8, line 2.
Following: "incapacitated"
Strike: "or if"
Insert: "his disability retirement allowance must be canceled when he is offered a position under subsection (2). If"

10. Page 8, line 4.
Following: "canceled"
Insert: "when he is notified of the determination of the board"

11. Page 8, line 9.
Following: "capacity"
Insert: ", whichever is first open"

12. Page 8, line 12.
Following: line 11
Insert: "(3) The department of fish, wildlife, and parks may request a medical or psychological review as to the ability of the member to return to work as a game warden. If the board's findings are upheld, the department of fish, wildlife, and parks shall pay the cost of the review."

13. Page 10, line 2 and line 3.
Following: "disabled,"
Strike: "or if"
Insert: "his disability retirement allowance must be canceled when he is offered a position under 19-9-905. If"

14. Page 10, line 5.
Following: "determination"
Strike: ", or refusal, and he"
Insert: ". He"

15. Page 11, line 1.
Following: "capacity"
Insert: "whichever is first open"

And, as so amended, be concurred. Report adopted.

HB 565, third reading copy, be amended as follows:

1. Title, line 5.
Following: "AMENDMENT;"
Insert: "TO PROVIDE FOR APPROVAL BY BOARD OF EXAMINERS;"

2. Page 1.
Following: line 13
Insert: "(1) "Appropriate approval authority" means:

(a) for the Montana university system, the board of regents;

(b) for the executive branch, the budget director;

(c) for the judicial branch, the supreme court; and

(d) for the legislative branch, the appropriate legislative committees."
Renumber: subsequent subsections

3. Page 1, line 15.
Following: "appropriate"
Insert: "approval"

4. Page 1, line 16.
Following: "committee"
Strike: "for executive branch agencies"

5. Page 2, lines 4 through 11.
Strike: subsection (5) in its entirety

6. Page 2, line 16.
Following: "for"
Strike: "his"

7. Page 2, line 16.
Following: "and"
Insert: "then"

Following: "be"
Strike: "reviewed"
Insert: "submitted for review"

8. Page 2, line 17.
Following: "committee."
Insert: "Such submission shall be made prior to any expenditure of funds for which the amendment is sought."

9. Page 3, line 1.
Strike: line 1 through "(4)" on line 11
Insert: "(1) specify the source, amount and expected duration of funding that is requested in the amendment;

(2) specify the particular additional services that will be provided as a result of this amendment as well as the operating expenses, personnel, equipment or grants that will be used to provide such services;

(3) specify if added services are: (a) new, that is not currently provided by the agency; or (b) expanded, that is currently funded services to be provided more extensively or intensively;

(4) if the added services are new, specify the legal authority the agency has to provide these services;

(5) if the added services are expanded, specify the extent of services provided in the current appropriation and the added service included in the amendment;

(6) certify that there is not a more efficient or less costly alternative to provided these added services;

(7) certify the services to be provided by the amendment have not been specifically rejected by the legislature;

(8) "

10. Page 3, lines 16 and 17.
Following: "the" on line 16
Strike: "legislative finance"

11. Page 3, line 19.
Following: "[section"
Strike: "2"
Insert: "3"

12. Page 4, line 5.
Following: line 4
Strike: "SHALL AUTOMATICALLY"
Insert: "may"
Following: "BE"
Strike: "RESCINDED FOR THE FISCAL YEAR UNLESS"
Insert: "referred to the board of examiners. The board shall afford"

13. Page 4, line 6.
Following: "AGENCY"
Strike: "CAN"
Insert: "and appropriate approval authority an opportunity to"

14. Page 4, lines 7 and 8.
Following: "AMENDMENT"
Strike: "TO THE APPROPRIATE APPROVAL AUTHORITY AND THE COMMITTEE"

Insert: "If the board by a majority vote concurs in the recommendation of the committee, the particular budget amendment shall automatically be rescinded"

15. Page 5, line 3.
Following: line 2
Strike: "[THIS ACT] SHALL"
Insert: "Title 5, chapter 12 may"

16. Page 5, line 4.
Following: "IN"
Strike: "SECTIONS"

17. Page 5, line 5.
Following: "17-8-104"
Strike: ", MCA"

18. Page 5, line 6.
Following: "Sections"
Strike: "2 and 3"
Insert: "3 through 5"

19. Page 5, line 9.
Following: "sections"
Strike: "2 and 3"
Insert: "3 through 5"

And, as so amended, be concurred in. Report adopted.

HB 683, third reading copy, be amended as follows:

1. Title, line 10.
Following: "AND"
Strike: "REQUIRING"
Insert: "ENCOURAGING"

2. Page 13, line 6.
Following: line 5
Strike: line 6 in its entirety

3. Page 13, line 17.
Following: "shall"
Insert: "endeavor to seek out parties on both sides of the issue and obtain their advice. The attorney general may, if he deems it necessary,"

4. Page 15, line 14.
Insert: "□"

5. Page 15, line 16.
Insert: "□"

And, as so amended, be concurred in. Report adopted.

NATURAL RESOURCES (Dover, Chairman):
HJR 18, be concurred in. Report adopted.

PUBLIC HEALTH, WELFARE AND SAFETY (Hager, Chairman):
HJR 36, be concurred in. Report adopted.

STATE ADMINISTRATION (Story, Chairman):
HJR 23, third reading copy, be amended as follows:

1. Page 2, line 1.

Strike: all of line 1
Insert: "That the governor form an appropriately constituted committee"

2. Page 2, line 5 through line 19.
Following: line 4
Strike: line 5 through line 19 in their entirety
Renumber: subsequent sections

And, as so amended, be concurred in. Report adopted.

TAXATION (Goodover, Chairman):
SB 260, do not pass.

Thereupon, the Adverse Committee Report was adopted by the following roll call vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Eck, Elliott, Etchart, Galt, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Jacobson, Johnson, Keating, Manning, Mazurek, McCallum, Norman, Ochsner, Olson, Regan, Severson, Stephens, Story, Thomas, Towe, Van Valkenburg, Mr. President.
Total 37

Noes: Goodover, Graham, Himsl, Kolstad, Lee, Manley, Nelson, O'Hara, Tveit.
Total 9

Excused: Ryan, Smith, Stimatz.
Total 3

Absent or not voting: Dover.
Total 1

FISH AND GAME (Smith, Chairman):
HB 806, be not concurred in.

Thereupon, the Adverse Committee Report was adopted by the following roll call vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, B. Brown, S. Brown, Conover, Crippen, Eck, Elliott, Etchart, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Jacobson, Johnson, Keating, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Stephens, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 39

Noes: Boylan, Galt, Hafferman, Himsl, Kolstad, Severson, Story.
Total 7

Excused: Ryan, Smith, Stimatz.
Total 3

Absent or not voting: Dover.
Total 1

PUBLIC HEALTH, WELFARE AND SAFETY (Hager, Chairman):
HB 794, third reading copy, be amended as follows:

1. Page 3.
Following: line 4
Insert: "(3) The proprietor or manager of an establishment containing both a restaurant and a tavern, in which some patrons choose

to eat their meals in the tavern, is not required by this part to post a sign described in subsections

(2) in the tavern area of the establishment."

2. Page 4, lines 7 and 8.
Following: "~~45-2-101,~~"
Strike: "violates the provisions of this part"
Insert: "fails to designate or reserve a smoking or nonsmoking area in their establishment as provided for in 50-40-104"

And, as so amended, be not concurred in.

Thereupon, the Adverse Committee Report was not adopted by the following roll call vote:

Ayes: Aklestad, Berg, Boylan, Elliott, Etchart, Galt, Graham, Hafferman, Hammond, Hazelbaker, Himsl, Johnson, Kolstad, McCallum, Nelson, Norman, Olson, Severson, Stephens, Story, Thomas. Mr. President.
Total 22

Noes: Anderson, Blaylock, B. Brown, S. Brown, Conover, Crippen, Eck, Goodover, Haffey, Hager, Halligan, Healy, Jacobson, Keating, Lee, Manley, Manning, Mazurek, Ochsner, O'Hara, Regan, Towe, Tveit, Van Valkenburg.
Total 24

Excused: Ryan, Smith, Stimatz.
Total 3

Absent or not voting: Dover.
Total 1

STATE ADMINISTRATION (Story, Chairman):
HB 429, third reading copy, be amended as follows:

1. Title, line 8.
Following: "IN"
Strike: "EVEN-NUMBERED"
Insert: "ODD-NUMBERED"

2. Title, line 9.
Following: line 8
Strike: "ODD-NUMBERED"
Insert: "EVEN-NUMBERED"

3. Page 1, line 22.
Following: "in"
Strike: "even-numbered"
Insert: "odd-numbered"

4. Page 1, line 23.
Following: "in"
Strike: "odd-numbered"
Insert: "even-numbered"

5. Page 1, line 24.
Following: "IN"
Strike: "EVEN-NUMBERED"
Insert: "odd-numbered"

6. Page 2, line 4.
Following: "in"
Strike: "odd-numbered"

Insert: "even-numbered"

And, as so amended, be not concurred in.

Thereupon, the Adverse Committee Report was not adopted by the following roll call vote:

Ayes: Aklestad, Anderson, Elliott, Etchart, Galt, Graham, Hafferman, Hager, Hammond, Keating, Kolstad, Manning, McCallum, Ochsner, O'Hara, Stephens, Story, Mr. President.
Total 18

Noes: Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Eck, Goodover, Haffey, Halligan, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Lee, Manley, Mazurek, Nelson, Norman, Olson, Regan, Severson, Thomas, Towe, Tveit, Van Valkenburg.
Total 28

Excused: Ryan, Smith, Stimatz.
Total 3

Absent or not voting: Dover.
Total 1

HB 796, be not concurred in.

Thereupon, the Adverse Committee Report was adopted by the following roll call vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, B. Brown, Conover, Crippen, Eck, Elliott, Etchart, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Severson, Stephens, Story, Thomas, Tveit, Mr. President.
Total 41

Noes: Boylan, S. Brown, Hafferman, Towe, Van Valkenburg.
Total 5

Excused: Ryan, Smith, Stimatz.
Total 3

Absent or not voting: Dover.
Total 1

PUBLIC HEALTH, WELFARE AND SAFETY (Hager, Chairman):
HB 797, be not concurred in.

Thereupon, the Adverse Committee Report was adopted by the following roll call vote:

Ayes: Aklestad, Berg, B. Brown, Conover, Crippen, Elliott, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Jacobson, Kolstad, Manley, Manning, Mazurek, Nelson, Norman, Ochsner, Olson, Severson, Stephens, Thomas, Tveit, Mr. President.
Total 28

Noes: Anderson, Blaylock, Boylan, S. Brown, Eck, Etchart, Galt, Hafferman, Himsl, Johnson, Keating, Lee, O'Hara, Regan, Story, Towe, Van Valkenburg.
Total 17

Excused: Ryan, Smith, Stimatz.

Total 3

Absent or not voting: Dover, McCallum.
Total 2

HJR 21, be not concurred in.

Thereupon, the Adverse Committee Report was adopted by the following roll call vote:

Ayes: Berg, Blaylock, B. Brown, S. Brown, Conover, Eck, Elliott, Goodover, Haffey, Halligan, Hazelbaker, Healy, Himsl, Jacobson, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, Olson, Regan, Severson, Stephens, Story, Thomas, Towe, Van Valkenburg, Mr. President.
Total 29

Noes: Aklestad, Anderson, Boylan, Crippen, Etchart, Galt, Graham, Hafferman, Hager, Hammond, Johnson, Keating, Kolstad, Lee, Manley, O'Hara, Tveit.
Total 17

Excused: Ryan, Smith, Stimatz.
Total 3

Absent or not voting: Dover.
Total 1

JUDICIARY (Anderson, Chairman):
HB 815, third reading copy, be amended as follows:

1. Page 1.
Following: line 12
Insert: "Section 2. Purpose. This act provides procedures and criteria by which the parent-child legal relationship may be terminated by a court if the relationship is not in the best interest of the child. The termination of the parent-child legal relationship provided for in this act is to be used in those situations where there is a determination that a child is abused, neglected, or dependent, as defined in 41-3-102, MCA."
Renumber: subsequent sections

2. Page 7.
Following: line 2
Insert: "Section 9. Codification instruction. Sections 1 through 8 are intended to be codified as an integral part of Title 40, chapter 3."

And, as so amended, be not concurred in.

Thereupon, the Adverse Committee Report was adopted by the following roll call vote:

Ayes: Aklestad, Anderson, B. Brown, Conover, Crippen, Elliott, Etchart, Galt, Goodover, Graham, Haffey, Hager, Hammond, Hazelbaker, Healy, Himsl, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Severson, Stephens, Story, Thomas, Tveit, Mr. President.
Total 32

Noes: Berg, Blaylock, Boylan, S. Brown, Eck, Hafferman, Halligan, Jacobson, Ochsner, O'Hara, Olson, Regan, Towe, Van Valkenburg.
Total 14

Excused: Ryan, Smith, Stimatz.
Total 3

Absent or not voting: Dover.
Total 1

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following Senate Bill was on 3/25/81, not concurred in on Standing Committee Report, and returned to the Senate:

Senate Bill No. 353, introduced by Conover

MOTIONS

Senator Hazelbaker moved to take House Bill No. 710 from Second Reading and rerefer it to the Committee on Business and Industry. Motion carried by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Severson, Stephens, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 46

Noes: Crippen.
Total 1

Excused: Ryan, Smith, Stimatz.
Total 3

Absent or not voting: None.
Total 0

Senator Goodover moved that the Senate reconsider its action taken this day in adopting the Adverse Committee Report on Senate Bill No. 260. Motion failed by the following vote:

Ayes: Aklestad, Elliott, Goodover, Hafferman, Healy, Himsl, Johnson, Kolstad, Lee, Manley, McCallum, Nelson, Ochsner, O'Hara, Olson, Story.
Total 16

Noes: Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Etchart, Galt, Graham, Haffey, Hager, Hammond, Hazelbaker, Jacobson, Keating, Manning, Mazurek, Norman, Regan, Severson, Stephens, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 30

Excused: Ryan, Smith, Stimatz.
Total 3

Absent or not voting: Halligan.
Total 1

Senator Mazurek moved that the Senate reconsider its action taken this day in adopting the Adverse Committee Report on House Bill No. 815. Motion carried by the following vote:

Ayes: Anderson, Berg, Blaylock, Boylan, B. Brown, Conover, Crippen, Eck, Elliott, Etchart, Hafferman, Haffey, Hager, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Kolstad, Manning, Mazurek, McCallum, Nelson, Ochsner, O'Hara, Olson, Regan, Severson, Stephens, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 35

Noes: Aklestad, Dover, Galt, Goodover, Johnson, Keating, Lee, Manley, Norman.
Total 9

Excused: Ryan, Smith, Stimatz.
Total 3

Absent or not voting: S. Brown, Graham, Halligan.
Total 3

Senator Dover moved that the Senate reconsider its action taken yesterday in indefinitely postponing House Bill No. 440. Motion failed by the following vote:

Ayes: Anderson, Berg, Blaylock, S. Brown, Dover, Eck, Hager, Keating, Manning, Mazurek, Regan, Thomas, Towe, Van Valkenburg.
Total 14

Noes: Aklestad, Boylan, B. Brown, Conover, Crippen, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Kolstad, Lee, Manley, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Severson, Stephens, Story, Tveit, Mr. President.
Total 32

Excused: Ryan, Smith, Stimatz.
Total 3

Absent or not voting: Halligan.
Total 1

Senator Stephens moved that the Senate reconsider its action taken yesterday in requesting that House Bill No. 237 be returned from the House to the Senate. Motion carried by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Hager, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Kolstad, Lee, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Severson, Stephens, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 42

Noes: None.
Total 0

Excused: Ryan, Smith, Stimatz.
Total 3

Absent or not voting: S. Brown, Haffey, Halligan, Keating, Manley.
Total 5

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

House Bill No. 69 was concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, B. Brown, Conover, Crippen, Eck, Etchart, Graham, Hafferman, Hager, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Severson, Stephens, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.

Total 35

Noes: Boylan, Dover, Elliott, Galt, Goodover, Haffey, Hammond, Manley, Regan, Story.
Total 10

Excused: Ryan, Smith, Stimatz.
Total 3

Absent or not voting: S. Brown, Halligan.
Total 2

House Bill No. 135 was concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Severson, Stephens, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 44

Noes: Elliott.
Total 1

Excused: Ryan, Smith, Stimatz.
Total 3

Absent or not voting: Halligan, Mazurek.
Total 2

House Bill No. 533 was concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Severson, Stephens, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 46

Noes: None.
Total 0

Excused: Ryan, Smith, Stimatz.
Total 3

Absent or not voting: Halligan.
Total 1

House Bill No. 552 was concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Severson, Stephens, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 46

Noes: None.
Total 0

Excused: Ryan, Smith, Stimatz.

Total 3

Absent or not voting: Halligan.
Total 1

House Bill No. 635 was concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Severson, Stephens, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 46

Noes: Manley.
Total 1

Excused: Ryan, Smith, Stimatz.
Total 3

Absent or not voting: None.
Total 0

House Bill No. 684 was concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Severson, Stephens, Story, Thomas, Towe, Tveit, Van Valkenburg.
Total 46

Noes: None.
Total 0

Excused: Ryan, Smith, Stimatz.
Total 3

Absent or not voting: Mr. President.
Total 1

House Bill No. 789 was concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Severson, Stephens, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 47

Noes: None.
Total 0

Excused: Ryan, Smith, Stimatz.
Total 3

Absent or not voting: None.
Total 0

House Joint Resolution No. 25 was concurred in by the following vote:

Ayes: Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Eck, Elliott, Etchart, Graham, Hafferman, Haffey, Hager,

Halligan, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Ochsner, O'Hara, Olson, Regan, Severson, Stephens, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 41

Noes: Aklestad, Dover, Galt, Goodover, Hammond, Norman.
Total 6

Excused: Ryan, Smith, Stimatz.
Total 3

Absent or not voting: None.
Total 0

House Joint Resolution No. 27 was concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Severson, Stephens, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 47

Noes: None.
Total 0

Excused: Ryan, Smith, Stimatz.
Total 3

Absent or not voting: None.
Total 0

House Joint Resolution No. 33 was concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Norman, Ochsner, O'Hara, Olson, Regan, Severson, Stephens, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 45

Noes: Hammond, Nelson.
Total 2

Excused: Ryan, Smith, Stimatz.
Total 3

Absent or not voting: None.
Total 0

House Joint Resolution No. 40 was concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Severson, Stephens, Story, Thomas, Towe, Tveit, Mr. President.
Total 46

Noes: Van Valkenburg.

Total 1

Excused: Ryan, Smith, Stimatz.
Total 3

Absent or not voting: None.
Total 0

House Amendments to Senate Bill No. 83 were concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Severson, Stephens, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 46

Noes: None.
Total 0

Excused: Ryan, Smith, Stimatz.
Total 3

Absent or not voting: Mazurek.
Total 1

House Amendments to Senate Bill No. 110 were concurred in by the following vote:

Ayes: Aklestad, Anderson, Blaylock, Boylan, B. Brown, Crippen, Dover, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Hammond, Hazelbaker, Healy, Himsl, Johnson, Keating, Kolstad, Lee, Manley, McCallum, Nelson, Ochsner, O'Hara, Olson, Severson, Stephens, Story, Thomas, Mr. President.
Total 34

Noes: Berg, S. Brown, Conover, Eck, Halligan, Jacobson, Mazurek, Norman, Regan, Towe, Tveit, Van Valkenburg.
Total 12

Excused: Ryan, Smith, Stimatz.
Total 3

Absent or not voting: Manning.
Total 1

House Amendments to Senate Bill No. 137 were concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Severson, Stephens, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 47

Noes: None.
Total 0

Excused: Ryan, Smith, Stimatz.
Total 3

Absent or not voting: None.
Total 0

House Amendments to Senate Bill No. 228 were concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Severson, Stephens, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 46

Noes: None.
Total 0

Excused: Ryan, Smith, Stimatz.
Total 3

Absent or not voting: Galt.
Total 1

House Amendments to Senate Bill No. 230 were concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Severson, Stephens, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 46

Noes: None.
Total 0

Excused: Ryan, Smith, Stimatz.
Total 3

Absent or not voting: Manning.
Total 1

House Amendments to Senate Bill No. 232 were concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Severson, Stephens, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 45

Noes: None.
Total 0

Excused: Ryan, Smith, Stimatz.
Total 3

Absent or not voting: Galt, Lee.
Total 2

House Amendments to Senate Bill No. 241 were concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Severson, Stephens, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 47

Noes: None.
Total 0

Excused: Ryan, Smith, Stimatz.
Total 3

Absent or not voting: None.
Total 0

House Amendments to Senate Bill No. 256 were concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Severson, Stephens, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 46

Noes: None.
Total 0

Excused: Ryan, Smith, Stimatz.
Total 3

Absent or not voting: Galt.
Total 1

At the request of Senator S. Brown, and without objection, the Senate reverted to Order of Business No. 6.

MOTIONS

Senator S. Brown moved, duly carried, that his vote on House Bill No. 69 be changed from "no" to "aye".

Senator Stephens moved, duly carried, that the Senate recess at 12:30 p.m. until the hour of 1:30 p.m. this day, March 26, 1981.

Senator Stephens moved, duly carried, that the Senate recess at 1:32 p.m. until the hour of 2:15 p.m. this day, March 26, 1981.

At the request of the President, and without objection, the Senate reverted to Order of Business No. 2.

REPORTS OF STANDING COMMITTEES

JUDICIARY (Anderson, Chairman):
SB 485, introduced bill, be amended as follows:

1. Title, line 9.
Following: "AMENDING"
Strike: "SECTION"
Insert: "SECTIONS 3-10-1001 AND"

2. Page 4, lines 22 through 23.

Following: "distribute" on line 22
Strike: "a sufficient number of"

3. Page 7, line 19 through line 20.
Following: "clerk" on line 19
Strike: line 19 through "peace" on line 20

4. Page 9, line 13.
Following: "appropriate"
Insert: "justice or"

5. Page 12, line 6.
Following: the first "removal"
Strike: "."
Insert: " — effect of failure to remove. (1)"

6. Page 12, line 9.
Following: "court"
Insert: ", including rules and statutes governing appeals from justice's court,"

7. Page 12, line 14.
Following: "."
Insert: "(2) Failure to request removal within the time provided in [section 17] constitutes a waiver by the defendant of his right to a trial by jury and representation by an attorney, and the justice shall inform the defendant of such fact prior to commencement of the hearing."

8. Page 14.
Following: line 5
Insert: "Section 25. Attorney's fees upon removal or appeal. (1) If a defendant removes a matter to justice's court under the provisions of [section 17] but does not prevail in justice's court, the court may grant the plaintiff his reasonable attorney's fees, if any.

(2) If the parties are represented by counsel on appeal, the court may grant the prevailing party his reasonable attorney's fees, in addition to costs.

Section 26. Section 3-10-1001, MCA, is amended to read:

"3-10-1001. Purpose. It is the purpose of this part and ~~chapter 35 of Title 25~~ [sections 1 through 24] to provide a speedy remedy for small claims and to promote a forum in which such claims may be heard and disposed of without the necessity of a formal trial.""
Renumber: subsequent sections

And, as so amended, do pass. Report adopted.

BUSINESS AND INDUSTRY (Hazelbaker, Chairman):
HB 448, third reading copy, be amended as follows:

1. Title, line 5.
Following: line 4
Strike: "ASSET, LIABILITY, RESERVE, INTEREST,"
Following: "DEPOSIT"
Strike: ", AND INVESTMENT"

2. Title, line 7.
Following: line 6
Strike: "SECTIONS 33-2-501, 33-2-502, 33-2-523,"
Insert: "SECTION"

Following: "33-2-531,"
Strike: "33-2-532,"

3. Title, lines 8 and 9.
Following: line 7
Strike: all of line 8 through "33-20-206," on line 9

4. Page 5, line 6 through line 1 on page 10.
Strike: Sections 1 and 2 in their entirety
Renumber: subsequent sections

5. Page 11, line 17 through line 20 on page 26.
Strike: Sections 4 through 12 in their entirety
Renumber: subsequent sections

And, as so amended, be concurred in. Report adopted.

TAXATION (Goodover, Chairman):
HB 309, third reading copy, be amended as follows:

1. Title, line 6.
Following: "MCA,"
Strike: "TO REQUIRE ANNUAL RENEWAL"
Insert: "LIMITING THE LIABILITY OF THE DEPARTMENT OF LIVESTOCK AND REQUIRING A RENEWAL EVERY FIVE YEARS"

2. Title, line 7.
Following: "AND"
Strike: "ANNUAL RENEWAL"

3. Page 1.
Following: line 18
Strike: "also list"
Insert: "transfer a copy of"

4. Page 1, lines 19 and 20.
Following: "notices"
Strike: "in the offices of the stock inspectors employed by the department and stationed at"
Insert: "and their accompanying brands to"

5. Page 1, lines 21 and 22.
Following: "markets"
Strike: "where records are kept of marks and brands"

6. Page 2, line 3.
Following: "filed"
Insert: "and a copy is transferred"

7. Page 2, line 3.
Following: "."
Insert: "The department of livestock may not be held liable to any secured party for the proceeds of livestock sold through a livestock market by the debtor."

8. Page 2, line 5.
Following: line 4
Strike: "annually"
Insert: "every five years commencing on January 1, 1983,"

9. Page 2, line 7.
Following: "or"

Strike: "30"
Insert: "90"

10. Page 2, line 7.
Following: "after"
Strike: "the anniversary"

11. Page 2, line 8.
Following: line 7
Strike: "date of the original filing"
Insert: "January 1st"

12. Page 2, line 10.
Following: line 9
Strike: "annually"
Insert: "every five years commencing on January 1, 1983,"

13. Page 2, line 11.
Following: "or"
Insert: "90 days"

14. Page 2, line 12.
Following: line 11
Strike: "the anniversary date of assignment"
Insert: "January 1st"

15. Page 2, line 15.
Following: "on the"
Strike: "31st"
Insert: "91st"
Following: "applicable"
Strike: "anniversary"
Insert: "January 1st"

16. Page 2, line 16.
Following: line 15
Strike: "date"

17. Page 2.
Following: line 16
Insert: "(5) Satisfactions of security agreements must be filed immediately with the department of livestock."

And, as so amended, be concurred in. Report adopted.

HB 17, third reading copy, be amended as follows:

1. Title, line 7.
Following: "CORPORATION TAX"
Insert: "; TO CLARIFY THE PERIOD DURING WHICH REFUNDS AND CREDITS MAY BE GRANTED; AND TO PROVIDE FOR EXTENSIONS OF THE PERIOD BY AGREEMENT"

2. Title, line 8.
Following: "SECTIONS"
Insert: "15-30-145, 15-30-146,"
Following: "15-30-149"
Insert: ","
Following: "MCA"
Insert: "; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND AN APPLICABILITY DATE"

3. Page 1, line 11.

Following: line 10
Insert: "Section 1. Section 15-30-145, MCA, is amended to read:

"15-30-145. Revision of return by department — examination of records and persons. (1) If, in the opinion of the department, any return of a taxpayer is in any essential respect incorrect, it may revise such return. If any taxpayer fails to make a return as herein required, the department is authorized to make an estimate of the taxable income of such taxpayer from any information in its possession and to audit and state an account according to such return or the estimate so made by it for the taxes, penalties, and interest due the state from such taxpayer.

(2) Except ~~in the case of a person who, with intent to evade the tax, purposely or knowingly files a false or fraudulent return violating the provisions of this chapter,~~ as provided in 15-30-146:

(a) the amount of tax due under any return shall be determined by the department ~~within 5 years beginning~~ prior to the expiration of the 5-year period beginnning on the date the return was ~~made~~ filed; and

(b) the department thereafter shall be barred from revising ~~any such returns~~ the returns or recomputing the tax due thereon, and no proceeding in court for the collection of such tax shall be instituted after the expiration of ~~said~~ the 5-year period, notwithstanding the provisions of 15-30-322. ~~In the case of a person who, with intent to evade the tax, purposely or knowingly files a false or fraudulent return violating the provisions of this chapter, the amount of tax due may be determined at any time after the return is filed and the tax may be collected at any time after it becomes due and, where no return has been filed, the tax may be assessed at any time.~~

~~(2)~~ (3) The department, for the purpose of ascertaining the correctness of any return or for the purpose of making an estimate of taxable income of any person where information has been obtained, may also examine or cause to have examined by any agent or representative designated by it for that purpose any books, papers, or records of memoranda bearing upon the matters required to be included in the return and may require the attendance of the person rendering the return or any officer or employee of such person or the attendance of any person having knowledge in the premises and may take testimony and require proof material for its information, with power to administer oaths to such person or persons."

Section 2. Section 15-30-146, MCA, is amended to read:

"15-30-146. ~~Tolling~~ Extensions of statute of limitations. (1) The running of the statute of limitations provided for under 15-30-145 shall be suspended during:

(a) any period that the federal statute of limitations for ~~collection~~ adjustment of federal income tax has been suspended plus 1 year when the suspension is:

(i) by written agreement with the internal revenue service signed by the taxpayer; or

(ii) ~~when~~ because the taxpayer has instituted an action ~~which~~ that has the effect of suspending the running of the federal statute of limitations ~~and for 1 additional year;~~ or

(b) any period that has been agreed upon by the taxpayer and the department in writing.

(2) If the taxpayer fails to file a record of changes in federal taxable income or an amended return as required by 15-30-304, the statute of limitations ~~shall~~ does not ~~apply~~ begin to run until ~~5 years from~~ the date the federal changes become final or the amended federal return was filed.

(3) If the taxpayer omits from gross income an amount properly includable therein which is in excess of 25% of the amount of adjusted gross income stated in the return, the ~~statute of limitations shall not apply~~ 5-year period provided for in 15-30-145 is extended for 2 additional years ~~from the time specified in 15-30-145~~.

(4) In the case of a person who, with intent to evade the tax, purposely or knowingly files a false or fraudulent return violating the provisions of this chapter, the amount of tax due may be determined and collected at any time after it becomes due. When no return is filed, the tax may be determined and collected at any time.

(5) A taxpayer and the department may agree in writing to any extension or suspension of the 5-year period. To be effective, the agreement must be signed by the taxpayer and the director of the department or the director's designated agent.""

Renumber: subsequent sections

4. Page 1, line 22 through line 5, page 2.
Following: "(2)"
Strike: line 22 through line 5, page 2, in their entirety
Insert: "(a) A credit or refund under the provisions of this section may be allowed only if, prior to the expiration of the period provided by 15-30-145 and by 15-30-146 during which the department may determine tax liability, the taxpayer files a claim or the department determines there has been an overpayment.

(b) If an overpayment of tax results"

5. Page 5, line 7.
Following: line 6
Insert: "Section 5. Effective date. This act is effective on passage and approval.

Section 6. Applicability. This act applies to claims for refunds or credits that were made within the time period for submission of claims that is permitted under this act even though the claim may have been submitted after the 5-year period provided in 15-30-149, prior to amendment, had expired."

And, as so amended, be concurred in. Report adopted.

MOTIONS

Senator Hammond moved, duly carried, that the Joint Conference Committee on Senate Bill No. 125 be dissolved and a Free Conference Committee be appointed.

The President appointed the following committee:

Senator Hammond, Chairman
Senator Mazurek
Senator Galt

President Turnage relinquished the Chair.

President Pro Tempore Kolstad assumed the Chair.

Senator Towe moved that House Bill No. 713 be taken from the Committee on Bills and Journal and rereferred to Second Reading. Motion carried by the following vote:

Ayes: Aklestad, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Elliott, Galt, Goodover, Graham, Hafferman, Hager, Hammond, Hazelbaker, Healy, Himsl, Johnson, Kolstad, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Stephens, Story, Towe, Van Valkenburg, Mr. President.
Total 36

Noes: Anderson, Berg, Eck, Etchart, Halligan, Jacobson, Manley, Stimatz, Tveit.
Total 9

Excused: Smith.
Total 1

Absent or not voting: Haffey, Keating, Lee, Thomas.
Total 4

Senator Ryan moved, duly carried, that House Bill No. 25 pass consideration.

President Pro Tempore Kolstad relinquished the Chair.

President Turnage assumed the Chair.

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Goodover in the Chair.

Senate resumed. President Turnage in the Chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on Second Reading, recommend as follows:

That House Bill No. 811 be amended as follows:

1. Title, line 7.
Following: "PROGRAM"
Strike: ";"
Insert: "AND"

2. Title, lines 8 through 10.
Following: "PROGRAM;" on line 8
Strike: all language through "TREATMENT;" on line 10

3. Page 2, line 8.
Following: "supplies."
Insert: "The department shall establish standards for determining eligibility for care and treatment under this program as determined in [section 3] in order that treatment may be provided to those who are financially unable to obtain such treatment without causing severe economic imbalance in the family economic unit."

4. Page 2, line 24 through page 3, line 9.
Following: "needs." on line 24
Strike: the remainder of Section 3

Amendments passed by the following vote:

Ayes: Berg, Blaylock, B. Brown, S. Brown, Conover, Elliott, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Mazurek, McCallum, Norman, Ochsner, Olson, Regan, Ryan, Severson, Stephens, Thomas, Towe, Van Valkenburg, Mr. President.
Total 32

Noes: Aklestad, Anderson, Boylan, Etchart, Hafferman, Hammond, Nelson, O'Hara, Story.
Total 9

Excused: Smith.
Total 1

Absent or not voting: Crippen, Dover, Eck, Lee, Manley, Manning, Stimatz, Tveit.
Total 8

That House Bill No. 811, as amended, be concurred in by the following vote:

Ayes: Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Stephens, Stimatz, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 46

Noes: Aklestad, Dover, Story.
Total 3

Excused: Smith.
Total 1

Absent or not voting: None.
Total 0

That House Bill No. 578 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Smith.
Total 1

Absent or not voting: None.
Total 0

That Senate Bill No. 337, second reading copy, be amended as follows:

1. Page 3, line 15.
Following: "through"
Strike: "10"
Insert: "9"

2. Page 3, line 23.
Following: "through"
Strike: "10"
Insert: "9"

3. Page 4, line 14.
Following: "through"
Strike: "10"
Insert: "9"

4. Page 4, line 18.
Following: "through"
Strike: "10"
Insert: "9"

5. Page 5, line 2.
Following: "through"
Strike: "10"
Insert: "9"

6. Page 6, line 5.
Following: "through"
Strike: "10"
Insert: "9"

7. Page 6, line 16.
Strike: "10"
Insert: "9"

8. Page 6, line 24 through page 7, line 2.
Strike: Section 10 in its entirety
Renumber: subsequent sections

9. Page 7, line 4.
Following: "through"
Strike: "10"
Insert: "9"

10. Page 7, line 6.
Following: "through"
Strike: "10"
Insert: "9"

Amendments passed by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Smith.
Total 1

Absent or not voting: None.
Total 0

That Senate Bill No. 337, as amended, do pass by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: Elliott.
Total 1

Excused: Smith.
Total 1

Absent or not voting: None.
Total 0

That Senate Bill No. 476 do pass. Motion failed by the following vote:

Ayes: Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Eck, Graham, Haffey, Hager, Halligan, Healy, Jacobson, Norman, Regan, Ryan, Severson, Stimatz, Towe, Van Valkenburg.
Total 20

Noes: Aklestad, Anderson, Crippen, Elliott, Etchart, Galt, Goodover, Hafferman, Hammond, Hazelbaker, Himsl, Johnson, Keating, Kolstad, Lee, Manley, Mazurek, McCallum, Nelson, Ochsner, O'Hara, Olson, Stephens, Story, Thomas, Tveit, Mr. President.
Total 27

Excused: Smith.
Total 1

Absent or not voting: Dover, Manning.
Total 2

That Senate Bill No. 476 be indefinitely postponed. Motion carried by the following vote:

Ayes: Aklestad, Anderson, Crippen, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Hammond, Hazelbaker, Himsl, Johnson, Keating, Kolstad, Lee, Manley, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Stephens, Story, Thomas, Tveit, Mr. President.
Total 29

Noes: Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Eck, Haffey, Hager, Halligan, Healy, Jacobson, Regan, Ryan, Severson, Stimatz, Towe, Van Valkenburg.
Total 18

Excused: Smith.
Total 1

Absent or not voting: Dover, Manning.
Total 2

That House Bill No. 600 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham,

Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Smith.
Total 1

Absent or not voting: None.
Total 0

That House Bill No. 657 be concurred in by the following vote:

Ayes: Aklestad, Boylan, Dover, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Hager, Hammond, Hazelbaker, Himsl, Johnson, Kolstad, Lee, Manley, McCallum, Nelson, Ochsner, O'Hara, Olson, Severson, Stephens, Story.
Total 25

Noes: Anderson, Berg, Blaylock, B. Brown, S. Brown, Conover, Crippen, Eck, Haffey, Halligan, Healy, Jacobson, Keating, Manning, Mazurek, Norman, Regan, Ryan, Stimatz, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 24

Excused: Smith.
Total 1

Absent or not voting: None.
Total 0

That House Bill No. 773 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Smith.
Total 1

Absent or not voting: None.
Total 0

That House Bill No. 824 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan,

Severson, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Smith.
Total 1

Absent or not voting: None.
Total 0

That House Joint Resolution No. 41 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Smith.
Total 1

Absent or not voting: None.
Total 0

That Senate Bill No. 44 do pass by the following vote:

Ayes: Aklestad, Anderson, B. Brown, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Johnson, Keating, Lee, Manley, Manning, Mazurek, Nelson, Norman, O'Hara, Olson, Ryan, Severson, Stephens, Thomas, Tveit, Van Valkenburg.
Total 32

Noes: Berg, Blaylock, S. Brown, Conover, Eck, Regan, Stimatz, Towe.
Total 8

Excused: Smith.
Total 1

Absent or not voting: Boylan, Crippen, Dover, Jacobson, Kolstad, McCallum, Ochsner, Story, Mr. President.
Total 9

That the Committee rise and report and beg leave to sit again. (Goodover, Chairman)

Upon motion of Senator Goodover, duly carried, the foregoing Report of the Committee of the Whole was adopted.

At the request of the President, and without objection, the Senate reverted to Order of Business No. 6.

MOTIONS

Senator Stephens moved, duly carried, that the Senate recess at 4:20 p.m. until the hour of 4:30 p.m.

At the request of the President, and without objection, the Senate reverted to Order of Business No. 2.

REPORTS OF STANDING COMMITTEES

RULES (Stephens, Chairman):
SB 172, do not pass.

Senator Stephens requested a Call of the Senate and there being sufficient seconds, the President ordered a Call of the Senate. Thereafter, progress having been shown, President Turnage moved that the Call of the Senate be dispensed with. Motion carried by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Johnson, Keating, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 47

Noes: None.
Total 0

Excused: Healy, Kolstad, Smith.
Total 3

Absent or not voting: None.
Total 0

Thereupon, the Adverse Committee Report was adopted by the following roll call vote:

Ayes: Aklestad, Blaylock, Boylan, B. Brown, Crippen, Galt, Goodover, Hafferman, Haffey, Hager, Hammond, Hazelbaker, Himsl, Johnson, Mazurek, McCallum, Nelson, O'Hara, Olson, Severson, Smith, Stephens, Story, Thomas, Tveit, Mr. President.
Total 26

Noes: Anderson, Berg, S. Brown, Conover, Eck, Elliott, Etchart, Graham, Halligan, Jacobson, Keating, Lee, Manley, Manning, Norman, Ochsner, Regan, Ryan, Stimatz, Towe, Van Valkenburg.
Total 21

Excused: None.
Total 0

Absent or not voting: Dover, Healy, Kolstad.
Total 3

(Including the following pair: Smith, aye - Towe, no.)

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Goodover in the Chair.

Senate resumed. President Turnage in the Chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on Second Reading, recommend as follows:

That Senate Bill No. 431 be amended as follows:

1. Page 12, line 23 through line 2, page 13.
Strike: Section 19 in its entirety

Amendment passed by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Smith.
Total 1

Absent or not voting: Kolstad.
Total 1

That Senate Bill No. 431, as amended, do pass by the following vote:

Ayes: Berg, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Elliott, Etchart, Galt, Goodover, Graham, Hager, Halligan, Hammond, Himsl, Johnson, Keating, Manning, Mazurek, McCallum, O'Hara, Olson, Story, Thomas, Van Valkenburg, Mr. President.
Total 27

Noes: Aklestad, Blaylock, Eck, Hafferman, Haffey, Hazelbaker, Healy, Jacobson, Lee, Nelson, Norman, Ochsner, Regan, Ryan, Severson, Stephens, Stimatz.
Total 17

Excused: Smith.
Total 1

Absent or not voting: Anderson, Kolstad, Manley, Towe, Tveit.
Total 5

That Senate Bill No. 484 do pass by the following vote:

Ayes: Boylan, B. Brown, Conover, Dover, Eck, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Manning, Mazurek, Nelson, O'Hara, Regan, Severson, Stephens, Story, Thomas, Mr. President.
Total 26

Noes: Aklestad, Berg, Blaylock, S. Brown, Elliott, Halligan, Keating, Lee, Manley, Norman, Ochsner, Olson, Van Valkenburg.
Total 13

Excused: Smith.
Total 1

Absent or not voting: Anderson, Crippen, Hager, Johnson, Kolstad, McCallum, Ryan, Stimatz, Towe, Tveit.
Total 10

That Senate Joint Resolution No. 27 pass consideration. Unanimously passed.

That House Bill No. 5 be concurred in. Motion failed by the following vote:

Ayes: Anderson, Berg, Blaylock, S. Brown, Conover, Eck, Etchart, Haffey, Healy, Jacobson, Manley, Manning, Mazurek, Norman, O'Hara, Regan, Stimatz, Thomas, Towe, Tveit, Van Valkenburg.
Total 21

Noes: Aklestad, Boylan, B. Brown, Dover, Elliott, Galt, Goodover, Hafferman, Hammond, Hazelbaker, Himsl, Johnson, Keating, Lee, McCallum, Nelson, Ochsner, Olson, Ryan, Severson, Stephens, Story, Mr. President.
Total 23

Excused: Smith.
Total 1

Absent or not voting: Crippen, Graham, Hager, Halligan, Kolstad.
Total 5

That House Bill No. 5 be indefinitely postponed. Motion failed by the following vote:

Ayes: Aklestad, Boylan, Dover, Elliott, Galt, Goodover, Hafferman, Hammond, Hazelbaker, Himsl, Johnson, Keating, McCallum, Nelson, Ochsner, Olson, Ryan, Severson, Stephens, Mr. President.
Total 20.

Noes: Anderson, Berg, Blaylock, S. Brown, Conover, Eck, Etchart, Haffey, Halligan, Healy, Jacobson, Lee, Manley, Manning, Mazurek, Norman, O'Hara, Regan, Stimatz, Towe, Tveit, Van Valkenburg.
Total 22

Excused: Smith.
Total 1

Absent or not voting: B. Brown, Crippen, Graham, Hager, Kolstad, Story, Thomas.
Total 7

That House Bill No. 66 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Smith.
Total 1

Absent or not voting: Kolstad.
Total 1

That House Bill No. 80 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham,

Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Smith.
Total 1

Absent or not voting: Kolstad.
Total 1

That House Bill No. 167 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Smith.
Total 1

Absent or not voting: Kolstad.
Total 1

That House Bill No. 212 pass consideration. Unanimously passed.

That House Bill No. 213, third reading copy, be amended as follows:

That the following amendment of the Senate Standing Committee on Judiciary of March 25, 1981 be stricken:

1. Page 2, line 3.
Following: "~~defense~~"
Insert: "self defense,"

And further, that the following amendment be made to the bill:

1. Page 2, line 3.
Following: "force"
Insert: "(formerly self defense)"

Amendments passed by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.

Total 0

Excused: Smith.
Total 1

Absent or not voting: Kolstad.
Total 1

That House Bill No. 213 be amended as follows:

1. Page 2, line 9.
Following: "court"
Insert: "if the defendant intends to interpose any of these defenses, he shall also furnish to the prosecution and file with the clerk of the court"

2. Page 2, line 11.
Following: "~~thereof~~"
Insert: "in support thereof"

Amendments passed by the following vote:

Ayes: Anderson, Berg, Blaylock, B. Brown, Conover, Eck, Elliott, Etchart, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Manning, Norman, Ochsner, O'Hara, Olson, Regan, Severson, Stephens, Stimatz, Story, Thomas, Towe, Van Valkenburg, Mr. President.
Total 34

Noes: Aklestad, Boylan, S. Brown, Dover, Galt, Hafferman, Lee, Manley, Mazurek, Nelson, Ryan, Tveit.
Total 12

Excused: Smith.
Total 1

Absent or not voting: Crippen, Kolstad, McCallum.
Total 3

That House Bill No. 213, as amended, be concurred in by the following vote:

Ayes: Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Severson, Stephens, Stimatz, Thomas, Towe, Van Valkenburg.
Total 39

Noes: Aklestad, Lee, Manley, Ryan, Tveit.
Total 5

Excused: Smith.
Total 1

Absent or not voting: Crippen, Dover, Kolstad, Story, Mr. President.
Total 5

That House Bill No. 300 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Hammond, Hazelbaker, Healy, Himsl,

Jacobson, Johnson, Keating, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Mr. President.
Total 45

Noes: Halligan, Norman, Van Valkenburg.
Total 3

Excused: Smith.
Total 1

Absent or not voting: Kolstad.
Total 1

That House Bill No. 305 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Smith.
Total 1

Absent or not voting: Kolstad.
Total 1

That House Bill No. 333 pass consideration. Unanimously passed.

That the Committee rise and report and beg leave to sit again. (Goodover, Chairman)

Upon motion of Senator Goodover, duly carried, the foregoing Report of the Committee of the Whole was adopted.

At the request of the President, and without objection, the Senate reverted to Order of Business No. 6.

MOTIONS

Upon motion of Senator Regan, duly carried, that House Bill No. 811 be taken from the Committee on Bills and Journal and rereferred to Second Reading.

Senator Stephens moved that the Joint Rules be temporarily suspended in order to receive revenue bills from the House through 5:00 p.m. on April 3, 1981. Motion carried by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Dover, Eck, Elliott, Etchart, Goodover, Graham, Hafferman, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Johnson, Keating, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, Regan, Ryan, Severson, Stephens, Stimatz, Story, Thomas, Tveit, Van Valkenburg, Mr. President.
Total 41

Noes: None.

Total 0

Excused: Smith.
Total 1

Absent or not voting: Crippen, Galt, Haffey, Healy, Kolstad, O'Hara, Olson, Towe.
Total 8

Senator Manley moved that the Senate reconsider its action taken in adopting the Adverse Committee Report on Senate Bill No. 172. Motion carried by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Dover, Eck, Elliott, Etchart, Goodover, Hafferman, Hager, Halligan, Hammond, Healy, Johnson, Keating, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Regan, Ryan, Severson, Stimatz, Tveit, Van Valkenburg, Mr. President.
Total 35

Noes: Conover, Haffey, Hazelbaker, Himsl, Jacobson, Stephens, Thomas.
Total 7

Excused: Smith.
Total 1

Absent or not voting: Crippen, Galt, Graham, Kolstad, Olson, Story, Towe.
Total 7

Senator Manley moved, duly carried, that Senate Bill No. 172 be taken from the Committee on Bills and Journal and rereferred to the Committee on Taxation.

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Goodover in the Chair.

Senate resumed. President Turnage in the Chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on Second Reading, recommend as follows:

That House Bill No. 364, third reading copy, be amended as follows:

1. Title, line 15.
Following: "NECESSARY;"
Insert: "TO PROVIDE AN EXPUNGING OF THE DEFENDANT'S RECORD AFTER 5 YEARS;"

2. Page 3.
Following: line 25
Insert: "If there has been no additional conviction for an offense under this section for a period of 5 years after a prior conviction hereunder, then such prior offense shall be expunged from the defendant's record."

Amendments passed by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Lee, Manley, Manning, Mazurek, McCallum,

Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Smith.
Total 1

Absent or not voting: Kolstad.
Total 1

That House Bill No. 364, third reading copy, be amended as follows:

1. Page 1, line 24.
Following: line 23
Strike: "shall"
Insert: "may, in the discretion of the court,"

2. Page 1, lines 24 and 25.
Following: "for"
Strike: "1 day"
Insert: "up to 24 hours"

3. Page 1, line 25.
Following: "and"
Insert: "shall be punished"

Amendments passed by the following vote:

Ayes: Aklestad, Berg, Blaylock, Conover, Crippen, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Halligan, Hammond, Healy, Himsl, Jacobson, Keating, Manley, Manning, McCallum, Nelson, Norman, Olson, Regan, Severson, Stephens, Stimatz, Tveit, Van Valkenburg, Mr. President.
Total 31

Noes: Anderson, Boylan, B. Brown, S. Brown, Dover, Eck, Hager, Lee, Mazurek, Ochsner, O'Hara, Ryan, Story, Thomas, Towe.
Total 15

Excused: Smith.
Total 1

Absent or not voting: Hazelbaker, Johnson, Kolstad.
Total 3

That House Bill No. 364, as amended, be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Jacobson, Johnson, Keating, Lee, Manning, Mazurek, McCallum, Nelson, Ochsner, O'Hara, Severson, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Mr. President.
Total 40

Noes: Etchart, Himsl, Manley, Norman, Olson, Ryan, Van Valkenburg.
Total 7

Excused: Smith.

Total 1

Absent or not voting: Kolstad, Regan.
Total 2

That House Bill No. 403 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Smith.
Total 1

Absent or not voting: Kolstad.
Total 1

That House Bill No. 437 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Smith.
Total 1

Absent or not voting: Kolstad.
Total 1

That House Bill No. 480 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Mr. President.
Total 47

Noes: Van Valkenburg.
Total 1

Excused: Smith.
Total 1

Absent or not voting: Kolstad.
Total 1

That House Bill No. 504 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Smith.
Total 1

Absent or not voting: Kolstad.
Total 1

That House Bill No. 517 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Smith.
Total 1

Absent or not voting: Kolstad.
Total 1

That House Bill No. 538 pass consideration. Unanimously passed.

That House Bill No. 587 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Smith.
Total 1

Absent or not voting: Kolstad.
Total 1

That House Bill No. 662 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman,

Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 47

Noes: Blaylock.
Total 1

Excused: Smith.
Total 1

Absent or not voting: Kolstad.
Total 1

That House Bill No. 697 be concurred in by the following vote:

Ayes: Anderson, Berg, Blaylock, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Manning, Mazurek, Norman, Regan, Story, Thomas, Towe, Van Valkenburg.
Total 24

Noes: Aklestad, Boylan, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Healy, Johnson, Keating, Lee, Manley, McCallum, Ochsner, Olson, Ryan, Severson, Stephens, Tveit, Mr. President.
Total 21

Excused: Smith.
Total 1

Absent or not voting: Kolstad, Nelson, O'Hara, Stimatz.
Total 4

That House Bill No. 734 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Smith.
Total 1

Absent or not voting: Kolstad.
Total 1

That the Free Conference Committee Report on Senate Bill No. 15 be adopted. Motion carried by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.

Total 48

Noes: None.
Total 0

Excused: Smith.
Total 1

Absent or not voting: Kolstad.
Total 1

That the Committee rise and report. (Goodover, Chairman)

Upon motion of Senator Goodover, duly carried, the foregoing Report of the Committee of the Whole was adopted.

At the request of the President, and without objection, the Senate reverted to Order of Business No. 2.

REPORTS OF STANDING COMMITTEES

LOCAL GOVERNMENT (McCallum, Chairman):

HB 33, third reading copy, be amended as follows:

1. Page 2, line 2.
Following: "~~51%~~"
Strike: "66%"
Insert: "51%"

2. Page 2, line 3.
Following: "~~60~~"
Strike: "30"
Insert: "60"

And, as so amended, be concurred in. Report adopted.

HB 58, third reading copy, be amended as follows:

1. Page 1, line 17.
Following: "(2)"
Insert: "in first-class cities,"

2. Page 1, line 25.
Following: "(2)"
Insert: "in first-class cities,"

3. Page 2, line 8.
Following: "(2)"
Insert: "in first-class cities,"

4. Page 2, line 16.
Following: "(2)"
Insert: "in first-class cities,"

And, as so amended, be concurred in. Report adopted.

HB 179, be concurred in. Report adopted.
HB 192, be concurred in. Report adopted.

HB 202, third reading copy, be amended as follows:

1. Title, line 5.
Strike: "SECTION"
Insert: "SECTIONS"

2. Title, line 6.

Following: "50-60-101"
Insert: "AND 50-60-102"

3. Title, line 7.
Following: "TO"
Insert: "GENERALLY REVISE AND"
Following: "THE"
Strike: "DEFINITION OF PUBLIC PLACE"
Insert: "APPLICABILITY OF BUILDING CONSTRUCTION STANDARDS; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE"

4. Page 3, line 19 through line 6 on page 4.
Strike: line 19 on page 3 through line 6 on page 4 in their entirety
Renumber: subsequent subsections

5. Page 4.
Following: line 17
Insert: "Section 2. Section 50-60-102, MCA, is amended to read:

"50-60-102. Applicability. (1) ~~Outside municipalities and their jurisdictional area, as defined by 50-60-101(9), parts 1 through 4 apply to "public places", as defined in 50-60-101 (11)~~ Unless the municipality or county that would have jurisdiction over the buildings has a certified building code enforcement program under 50-60-301 and 50-60-302, the state building code does not apply to residential buildings containing less than five dwelling units or their attached to structures located within the municipality's or county's jurisdictional area, and the state may not enforce the state building code under 50-60-205 for those buildings.

(2) Where good and sufficient cause exists, a written request for limitation of the state building code may be filed with the department for filing as a permanent record.

(3) The department may limit the application of any rule of portion of the state building code to include or exclude:

(a) specified classes or types of buildings according to use or other distinctions as may make differentiation or separate classification or regulation necessary, proper, or desirable;

(b) specified areas of the state based upon size, population density, special conditions prevailing therein, or other factors which make differentiation or separate classification or regulation necessary, proper, or desirable."

Section 3. Effective date. This act is effective on passage and approval."

And, as so amended, be concurred in. Report adopted.

HB 507, third reading copy, be amended as follows:

1. Page 1, lines 12 through 14.
Following: "(1)" on line 12
Strike: the remainder of line 12 through line 14 in its entirety
Insert: "A vacancy on the board shall be filled by a selection board composed of two county commissioners, two representatives from governing bodies of each municipality included or partially included in the district, and two transportation board members."

And, as so amended, be concurred in. Report adopted.

HB 558, third reading copy, be amended as follows:

1. Page 3, line 2 through line 20.
Strike: Section 2 in its entirety
Renumber: subsequent sections

2. Page 9, line 3.
Following: line 2
Strike: "5"
Insert: "4"
Following: "through"
Strike: "5"
Insert: "4"

And, as so amended, be concurred in. Report adopted.

HB 624, third reading copy, be amended as follows:

1. Page 2, line 7.
Following: "claim"
Strike: ","
Insert: "or"

2. Page 2, lines 8 and 9.
Following: "~~water,~~"
Strike: "or notice of appropriation of water"

3. Page 3, lines 9 and 10.
Following: "for"
Strike: the remainder of line 9 and line 10
Insert: "the first page of any document, 50 cents, and 25 cents for each subsequent page; and"

4. Page 3, line 11.
Following: "~~$1~~"
Strike: "$2"
Insert: "$1"

And, as so amended, be concurred in. Report adopted.

HB 724, third reading copy, be amended as follows:

1. Page 2, line 10.
Following: "contract."
Insert: "It shall be presumed that a local government could not otherwise reasonably afford itself of the subject of a contract if the additional cost to the local government is greater than 10% of a contract with an interested party or if the contract is for services that must be performed within a limited time period and no other contractor can provide those services within that time period."

And, as so amended, be concurred in. Report adopted.

HB 760, be concurred in. Report adopted.

HB 765, third reading copy, be amended as follows:

1. Title, line 8.
Following: "MCA"
Insert: "AND PROVIDING A PERIOD OF EFFECTIVENESS"

2. Page 1, lines 18 and 19.
Following: "raised"
Strike: "more than 15% per year"

Insert: "to yield more than a 12% increase in total annual revenues"

3. Page 1, lines 21 and 22.
Following: "to"
Strike: "pay principal and interest on the bonds or loans"
Insert: "meet the requirements of bond indentures or loan agreements"

4. Page 2, line 7.
Following: "(3)"
Insert: "(a)"

5. Page 2.
Following: line 11
Insert: "(b) .The notice must also be mailed at least 7 days and not more than 30 days prior to the hearing to persons served by the utility. The notice shall accompany the bill for services of that utility and must be mailed within the prescribed time period. This notice must contain an estimate of the amount the customer's average monthly bill will increase."

6. Page 3, line 6.
Following: "clerk."
Insert: "A copy of each revised rate schedule shall be filed with the public service commission upon final decision."

7. Page 3, line 19.
Following: "increases"
Strike: "in excess of 15%"
Insert: "that yield total revenues in excess of 12%"

8. Page 3, line 20.
Following: "for"
Insert: "mandated federal and state"

9. Page 3, line 21.
Following: "improvements"
Insert: "for which the increase exceeds amounts necessary to meet the requirements of bond indentures or loan agreements required to finance the local government's share of the mandated improvements"

10. Page 4, line 10.
Following: "boundaries."
Insert: "The rule shall provide that rate increases for comparable classifications and zones outside the municipal boundaries may not exceed those set within the municipal limits under the provisions of [this act].

NEW SECTION. Section 7. Appeals. (1) A party to a municipal rate hearing may appeal the decision of the municipality to the district court in whose jurisdiction the municipality lies.

(2) A person may appeal the adoption or application of municipal utility rules to the district court in whose jurisdiction the municipality lies."
Renumber: subsequent sections

11. Page 5, line 2.
Following: "(e)"
Insert: "except as provided in [sections 1 through 6],"

12. Page 5, line 6 through line 8.

Strike: these lines in their entirety

13. Page 5.
Following: line 8
Insert: "Section 9. Period of effectiveness. This act is effective July 1, 1981 and remains in effect until July 1, 1983."

And, as so amended, be concurred in. Report adopted.

HB 781, be concurred in. Report adopted.

HB 790, third reading copy, be amended as follows:

1. Page 2, line 25.
Following: "authority"
Insert: "[subject to the provisions of House Bill 765]"

2. Page 4.
Following: line 19
Insert: "(4) The bracketed material in section 3 relating to House Bill 765 is effective."

And, as so amended, be concurred in. Report adopted.

PUBLIC HEALTH, WELFARE AND SAFETY (Hager, Chairman):
HB 127, third reading copy, be amended as follows:

1. Title, line 9.
Following: "MCA"
Insert: ", AND PROVIDING AN IMMEDIATE EFFECTIVE DATE"

2. Pages 1 and 2.
Following: the enacting clause
Strike: all of the bill
Insert: "Section 1. Section 53-6-131, MCA, is amended to read:

"53-6-131. Eligibility requirements. (1) Medical assistance ~~shall~~ may be granted ~~in behalf of all persons:~~ to a person

~~(1)~~ who ~~reside~~ resides in the state of Montana, including a ~~residents~~ resident temporarily absent from the state~~;~~ and

~~(2) who meet any of the following requirements:~~ who meets the requirements of one or more of the following categories:

(a) he ~~receive~~ receives all or part of ~~their~~ his income from ~~the~~ federally ~~aided public assistance programs: old-age assistance, aid to the blind,~~ funded supplemental security income assistance or aid to dependent children~~, and aid to the permanently and totally disabled~~;

(b) upon application, he would be eligible for financial assistance under any one of the federally aided programs referred to above;

(c) he would be entitled to financial assistance under one of the federally aided categories except that ~~they~~ he ~~do~~ does not meet the durational residence requirements or relative responsibility requirements of any of the public assistance programs above enumerated;

(d) he is ~~are~~ in a medical ~~institutions~~ institution and if ~~they~~ he were no longer in such institution he would be eligible for financial assistance under one of the above programs;

(e) he is ~~are~~ under 21 years of age and ~~meet~~ meets the conditions of eligibility in the state's plan for aid to dependent children, other than with respect to school attendance;

(f) he is ~~are~~ under 21 years of age and in foster care under the supervision of the state;

(g) he has ~~have~~ income less than 133 ⅓% of the amounts specified as maximum income levels for federally aided categories of assistance;

(h) he is ~~are~~ under 21 years of age and medically needy, as defined by the department of social and rehabilitation services; or

(i) he is ~~are~~ under 21 years of age, ~~were~~ was in foster care under the supervision of the state, and ~~have~~ has been adopted as a "hard-to-place" ~~children~~ child.

(2) The department of social and rehabilitation services may by rule establish more restrictive property ownership eligibility criteria than required by federal law for federally aided categories of public assistance."

Section 2. Effective date. This act is effective on passage and approval."

And, as so amended, be concurred in. Report adopted.

Statement of Intent, HB 127, third reading copy, be amended as follows:

1. Page 1.
Following: line 4
Strike: lines 5 through 16 in their entirety
Insert: "The bill as amended gives the Department of Social and Rehabilitation Services rulemaking authority to grant medical assistance to one or more categories of persons who are eligible for federal financial assistance. These categories include supplemental security income assistance, aid to dependent children, and aid to certain others who may be in financial distress due to high medical expenditures. Furthermore, the bill gives the department the authority to adopt rules that include eligibility criteria that are more restrictive than federal criteria.

Under present law, the department must grant medical assistance to all persons in the categories listed in 53-6-131, MCA. The department presently has express rulemaking authority to adopt rules to include federal eligibility requirements for each category and to define medical assistance but does not have authority to limit services by category of persons.

The availability of federal financial assistance as well as federal eligibility criteria will probably be changed next fiscal year. The department needs to have the authority to redetermine eligibility criteria and to limit the categories of persons to whom medical assistance will be made available in order to choose the options which offer the most efficient and least costly eligibility system within financial limits."

And, as so amended, be concurred in. Report adopted.

LOCAL GOVERNMENT (McCallum, Chairman):
HJR 28, be concurred in. Report adopted.

PRINTING (O'Hara, Chairman):

Correctly printed and placed on the members' desks - SB 126, SJR 29. Report adopted.

I have examined Senate Bill No. 226 introduced by me and find the same to be correct. (Healy)

I have examined Senate Bill No. 245 introduced by me and find the same to be correct. (Mazurek)

I have examined Senate Bill No. 275 introduced by me and find the same to be correct. (Ryan)

I have examined Senate Bill No. 276 introduced by me and find the same to be correct. (Galt)

I have examined Senate Bill No. 279 introduced by me and find the same to be correct. (Goodover)

I have examined Senate Bill No. 309 introduced by me and find the same to be correct. (S. Brown)

BILLS (O'Hara, Chairman):
Correctly enrolled - SB 226, SB 245, SB 275, SB 276, SB 279, SB 309. Report adopted.

The Senate will please take note that the President did, at the hour of 5:00 p.m., 3/26/81, sign the following bills:
SB 226, SB 245, SB 275, SB 276, SB 279, SB 309, HB 15, HB 98, HB 112, HB 147, HB 257, HB 302, HB 457, HB 473, HB 492, HB 525, HB 540, HB 584, HB 625, HB 643, HB 661, HB 711, HB 833.

Jean A. Turnage
President

Upon motion of Senator Stephens, duly carried, the Senate adjourned at 7:03 p.m. until Friday, March 27, at the hour of 10:00 a.m.

JEAN A. TURNAGE
President of the Senate

JOHN W. LARSON
Secretary of the Senate

SIXTY-EIGHTH LEGISLATIVE DAY

Helena, Montana
March 27, 1981

Senate Chambers
Capitol Building

Senate convened at 10:00 a.m., President Pro Tempore Kolstad presiding. Invocation by the Chaplain. Pledge of Allegiance to the Flag.

Roll call. All members present. Quorum present.

Mr. President: We, your Committee on Bills and Journal, having examined the daily journal for the Sixty-seventh Legislative Day, find the same to be correct.

O'HARA, Chairman

REPORTS OF STANDING COMMITTEES

PRINTING (O'Hara, Chairman):
Correctly printed and placed on the members' desks - SB 485, SJR 32. Report adopted.

MESSAGES FROM THE GOVERNOR

March 26, 1981

The Honorable Jean A. Turnage
President of the Senate
State Capitol
Helena, Montana 59620

Dear Mr. President:

This is to inform you that I have signed the following measures this date:

Senate Bill Nos. 127, 389, 394, 281, 144, and 178.

Sincerely,

TED SCHWINDEN
Governor

March 25, 1981

The Honorable Jean Turnage
President, Montana State Senate
State Capitol
Helena, Montana 59620

Dear President Turnage:

I respectfully submit to the Montana Senate the following appointments made by Governor Judge:

As members of the BOARD OF ARCHITECTS, in accordance with Section 2-15-1651, MCA:

BONITA BLEWETT DONAHUE, Great Falls, appointed for a term ending July 1, 1982.

HAROLD C. ROSE, Bozeman, appointed for a term ending March 27, 1983.

As members of the MONTANA ARTS COUNCIL in accordance with Section 2-15-1513, MCA, Title 22, Chapter 2:

CERIDWEN BREEN, Missoula, appointed for a term ending February 1, 1985.

JOHN H. JOHNSON, Glendive, appointed for a term ending February 1, 1985.

CAROLYN VALACICH, Great Falls, appointed for a term ending February 1, 1985.

JOANNE TROXEL, Bozeman, appointed for a term ending February 1, 1985.

WILLIAM P. YELLOWTAIL, Wyola, appointed for a term ending February 1, 1982.

LORILL M. DRISCOLL, Butte, appointed for a term ending February 1, 1985.

As members of the STATE BOARD OF BANKING in accordance with Section 2-15-1803, MCA:

JAMES W. CONNELLY, Great Falls, appointed for a term ending July 1, 1983.

JAMES G. EDMISTON, Columbia Falls, appointed for a term ending July 1, 1981.

E. E. KUHNS, Billings, appointed for a term ending July 1, 1982.

JOE M. TAYLOR, Missoula, appointed for a term ending July 1, 1982.

HERBERT E. RICHARDS, Bozeman, appointed for a term ending July 1, 1981.

RUDY TRAMELLI, Great Falls, appointed for a term ending July 1, 1983.

As a member of the COAL BOARD in accordance with Sections 2-15-1104 and 2-15-124, MCA:

DALE R. TASH, Dillon, appointed for a term ending January 1, 1983.

As COMMISSIONER OF CAMPAIGN FINANCES AND PRACTICES in accordance with Section 13-37-102, MCA:

L. MARGARET KRIVEC, Helena, appointed for a term ending January 1, 1987.

As DISTRICT JUDGES in accordance with Title 3, Chapter 1, Part 10, MCA:

WILLIAM J. SPEARE, Billings, appointed for a term ending December 31, 1982.

JOHN S. HENSON, Superior, appointed for a term ending December 31, 1982.

MARK P. SULLIVAN, Butte, appointed for a term ending December 31, 1982.

As members of the STATE ELECTRICAL BOARD in accordance with Section 2-15-1654, MCA:

ALBERT BERSANTI, Butte, appointed for a term ending July 1, 1984.

CHARLES S. POWELL, Kalispell, appointed for a term ending July 1, 1985.

As a member of the STATE FISH AND GAME COMMISSION in accordance with Sections 2-15-124 and 2-15-3402, MCA:

PAUL TIHISTA, Glasgow, appointed for a term ending January 1, 1983.

As a member of the BOARD OF HEALTH AND ENVIRONMENTAL SCIENCES in accordance with Sections 2-15-2104 and 2-15-124, MCA:

GEORGE LACKMAN, Missoula, appointed for a term ending January 1, 1983.

As members of the BOARD OF TRUSTEES OF THE STATE HISTORICAL SOCIETY in accordance with Sections 2-15-1512 and 22-3-104, MCA:

WILBUR P. WERNER, Cut Bank, appointed for a term ending July 1, 1984.

RANDALL SWANBERG, Great Falls, appointed for a term ending July 1, 1984.

WILLIAM R. MCKAY, Roscoe, appointed for a term ending July 1, 1984.

GEORGE W. O'CONNOR, Butte, appointed for a term ending July 1, 1983.

JAY CONTWAY, Great Falls, appointed for a term ending July 1, 1985.

JAMES W. REGER, Billings, appointed for a term ending July 1, 1985.

As members of the BOARD OF HORSE RACING in accordance with Section 2-15-1662, MCA:

JAMES E. EDWARDS, Billings, reappointed for a term ending January 16, 1983.

RICHARD W. HEARD, Columbus, reappointed for a term ending January 16, 1983.

As a member of the BOARD OF INVESTMENTS in accordance with Sections 2-15-1005 and 2-15-124, MCA:

JOSEPH B. REBER, Helena, appointed for a term ending January 1, 1983.

As members of the STATE BOARD OF MEDICAL EXAMINERS in accordance with Section 2-15-1605, MCA:

HENRY H. GARY, JR., M.D., Missoula, appointed for a term ending September 1, 1984.

E. E. BERTAGNELLI, M.D., Three Forks, appointed for a term ending September 1, 1986.

THOMAS J. MALEE, M.D., Glendive, reappointed for a term ending September 1, 1987.

As members of the BOARD OF MORTICIANS in accordance with Section 2-15-1619, MCA:

VERNON H. VIAL, Great Falls, reappointed for a term ending July 1, 1984.

LORENE L. JOHNSON, Kalispell, reappointed for a term ending July 1, 1985.

As a member of the BOARD OF OIL AND GAS CONSERVATION in accordance with Sections 2-15-3303 and 2-15-124, MCA:

JOHN M. SHEEHY, Big Sandy, appointed for a term ending January 1, 1983.

As a member of the BOARD OF PERSONNEL APPEALS in accordance with Sections 2-15-1705 and 2-15-124, MCA:

MARY JO ORESKOVICH, Anaconda, appointed for a term ending January 1, 1983.

As members of the BOARD OF PUBLIC ACCOUNTANTS in accordance with Section 2-15-1641, MCA:

NORVELL A. BESINQUE, Billings, reappointed for a term ending July 1, 1981.

SHERMAN H. VELTKAMP, Bozeman, appointed for a term ending July 1, 1981.

JACK R. DOBBINS, Missoula, appointed for a term ending July 1, 1983.

J. AUSTIN MILLER, Kalispell, appointed for a term ending July 1, 1982.

As members of the BOARD OF PUBLIC EDUCATION in accordance with Article X, Section 9 of the Montana Constitution and Sections 2-15-1507 and 2-15-1508, MCA:

THOMAS A. THOMPSON, Browning, reappointed for a term ending February 1, 1987.

CATHRYN JEAN ROBOCKER, Kalispell, appointed for a term ending February 1, 1983.

As members of the BOARD OF REALTY REGULATION in accordance with Section 2-15-1644, MCA:

MARIE ANDERSON, Billings, reappointed for a term ending May 9, 1984.

A. TOM LUND SR., Hamilton, appointed for a term ending May 9, 1981.

PATRICIA RAUNDAL, Helena, appointed for a term ending May 9, 1983.

DEXTER DELANEY, Missoula, appointed for a term ending May 9, 1983.

GEORGE PIERCE, Billings, appointed for a term ending May 9, 1982.

As a member of the BOARD OF REGENTS OF HIGHER EDUCATION in accordance with Article X, Section 9, Subsection 2 of the Montana Constitution:

JEFFREY B. MORRISON, Helena, reappointed for a term ending February 1, 1987.

As members of the BOARD OF WATER WELL CONTRACTORS in accordance with Section 2-15-1632, MCA:

W. J. LINDSAY, Clancy, reappointed for a term ending July 1, 1982.

T. F. BENES, Billings, reappointed for a term ending July 1, 1983.

Sincerely,

TED SCHWINDEN
Governor

March 26, 1981

The Honorable Jean A. Turnage
President of the Senate
State Capitol
Helena, Montana 59620

The Honorable Robert L. Marks
Speaker of the House
State Capitol
Helena, Montana 59620

Dear Senator Turnage and Representative Marks:

In accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby return Senate Bill No. 49, "AN ACT TO REQUIRE THAT INSURERS AND HEALTH SERVICE CORPORATIONS TRANSACTING HEALTH INSURANCE IN THIS STATE OFFER AN OPTION FOR HOME HEALTH CARE UNDER HOSPITAL AND MEDICAL SERVICES POLICIES AND CONTRACTS," without my signature and recommend the attached amendment.

In the introduced bill the phrase "hospital and medical expenses incurred insurance policies" was used in Section 2 to describe one type of policy which would come within the coverage of the act. During the legislative process the section was amended in such a way that the intended function of the phrase as a discrete modifying unit was destroyed, rendering continued use of the phrase superfluous and confusing.

The proposed amendment eliminates the unnecessary language and confusion and emphasizes the expressed intention that the act apply to group plans.

I urge your concurrence in this amendment.

Sincerely,

TED SCHWINDEN
Governor

PROPOSED GOVERNOR'S AMENDMENT TO SENATE BILL NO. 49

1. Page 2, line 4.
Following: line 3
Strike: "under hospital and medical expenses incurred"

March 26, 1981

The Honorable Jean A. Turnage
President of the Senate
State Capitol
Helena, Montana 59620

The Honorable Robert L. Marks
Speaker of the House

State Capitol
Helena, Montana 59620

Dear Representative Marks and Senator Turnage:

In accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby return Senate Bill 85, "AN ACT TO MAKE RAFFLE PRIZE RESTRICTIONS NONAPPLICABLE TO NONPROFIT CORPORATIONS, RELIGIOUS CORPORATIONS SOLE, AND OTHER NONPROFIT ORGANIZATIONS WHEN THE PROCEEDS OF A RAFFLE ARE USED FOR CHARITABLE PURPOSES," without my signature and recommend the attached amendments.

Senate Bill 85 intends to exempt a nonprofit corporation, religious corporation sole, and other nonprofit organization from the restrictions set forth in Section 23-5-413, MCA, when the proceeds of a raffle are used for charitable purposes. As adopted it is not clear whether a single nonprofit corporation, religious corporation sole, or other nonprofit organization conducting a raffle would benefit from the exemption.

I am proposing amendments so as to ensure that when one or more nonprofit corporations, religious corporations sole, or other nonprofit organizations conduct a raffle, and the proceeds of the raffle are used for charitable purposes, the corporation or organization will be exempt from the restrictions set forth in Section 23-5-413, MCA.

I urge your concurrence in these amendments.

Sincerely,

TED SCHWINDEN
Governor

PROPOSED GOVERNOR'S AMENDMENTS TO SENATE BILL NO. 85

1. Page 1, line 13.
Following: "by"
Insert: "a"
Following: "nonprofit"
Strike: "corporations"
Insert: "corporation"

2. Page 1, line 14.
Following: line 13
Strike: "corporations"
Insert: "corporation"
Following: "nonprofit"
Strike: "organizations"
Insert: "organization"

March 26, 1981

The Honorable Jean A. Turnage
President of the Senate
State Capitol
Helena, Montana 59620

The Honorable Robert L. Marks
Speaker of the House
State Capitol

Helena, Montana 59620

Dear Senator Turnage and Representative Marks:

In accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby return Senate Bill No. 161, "AN ACT TO ADOPT THE REVISED UNIFORM LIMITED PARTNERSHIP ACT; REPEALING SECTIONS 35-12-101 THROUGH 35-12-403, MCA," without my signature and recommend the attached amendments.

I am proposing amendments to SB 161 solely for the purpose of correcting internal cross-references.

I urge your concurrence in these amendments.

Sincerely,

TED SCHWINDEN
Governor

PROPOSED GOVERNOR'S AMENDMENTS TO SENATE BILL NO. 161

1. Page 9, lines 11 and 12.
Following: "under" on line 11
Strike: "section 47"
Insert: "section 47(3)"

2. Page 16, line 13.
Following: "by"
Strike: "section 5(2)(a)"
Insert: "sections 5(2)(a) and 5(2)(b)"

3. Page 23, line 24.
Following: "under"
Strike: "section 41(2)"
Insert: "section 41(3)"

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The House on 3/27/81, dissolved the Joint Conference Committee on Senate Bill No. 125, and authorized the Speaker to appoint a Free Conference Committee to confer on House Amendments to Senate Bill No. 125.

The Speaker appointed the following members:

Representative Anderson, Chairman
Representative Hanson
Representative Holliday

The following House Joint Resolution was on 3/26/81, passed and transmitted to the Senate for concurrence:

House Joint Resolution No. 47, introduced by Nilson (71-24)

The following Senate Bill was on 3/26/81, on Standing Committee Report, not concurred in, and returned to the Senate:

Senate Bill No. 289, introduced by Lee

The following Senate Bills were on 3/26/81, concurred in as amended, and returned to the Senate for concurrence in House Amendments:

Senate Bill No. 239, introduced by Hazelbaker (78-17)

Senate Bill No. 308, introduced by Himsl (93-1)

The following Senate Bills were on 3/26/81, concurred in and returned to the Senate:

Senate Bill No. 330, introduced by Himsl (86-10)

Senate Bill No. 333, introduced by M. Anderson (93-2)

Senate Bill No. 334, introduced by M. Anderson (93-3)

MOTIONS

Senator Keating moved that the Senate reconsider its action in adopting the Adverse Committee Report on House Joint Resolution 21, and that it be printed and placed on Second Reading. Motion carried by the following vote:

Ayes: Aklestad, Anderson, Crippen, Dover, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Hammond, Hazelbaker, Healy, Himsl, Keating, Kolstad, Lee, Manley, Manning, McCallum, Nelson, Ochsner, O'Hara, Olson, Severson, Smith, Stephens, Story, Tveit, Mr. President.
Total 30

Noes: Berg, Blaylock, Boylan, S. Brown, Conover, Eck, Johnson, Mazurek, Norman, Regan, Ryan, Thomas, Towe, Van Valkenburg.
Total 14

Excused: None.
Total 0

Absent or not voting: B. Brown, Haffey, Hager, Halligan, Jacobson, Stimatz.
Total 6

Senator Smith moved that the Senate reconsider its action in adopting the Adverse Committee Report on House Bill No. 806 and that it be printed and placed on Second Reading. Motion carried by the following vote:

Ayes: Aklestad, Anderson, Boylan, B. Brown, Conover, Dover, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Hammond, Himsl, Keating, Kolstad, Lee, Manning, McCallum, Nelson, Ochsner, O'Hara, Olson, Ryan, Severson, Smith, Stephens, Story, Thomas, Tveit, Mr. President.
Total 31

Noes: Berg, Blaylock, S. Brown, Eck, Haffey, Hager, Halligan, Hazelbaker, Healy, Jacobson, Johnson, Mazurek, Norman, Regan, Stimatz, Towe, Van Valkenburg.
Total 17

Excused: None.
Total 0

Absent or not voting: Crippen, Manley.
Total 2

Senator Turnage moved, duly carried, that the Senate reconsider its action in adopting the Conference Committee Report on Senate Bill No. 15.

Senator Turnage moved, duly carried, that the Conference Committee Report on Senate Bill No. 15 be rejected.

Senator Turnage moved, duly carried, that the President Pro Tempore be authorized to appoint a Free Conference Committee of three to confer on Senate Bill No. 15.

The President Pro Tempore appointed the following committee:

Senator Mazurek, Chairman
Senator Crippen
Senator Elliott

Senator Himsl moved that the Senate reconsider its action in adopting the Adverse Committee Report on House Bill No. 797 and that it be placed on Second Reading. Motion carried by the following vote:

Ayes: Anderson, Blaylock, Boylan, B. Brown, S. Brown, Conover, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hammond, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Mazurek, McCallum, Nelson, Ochsner, O'Hara, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Van Valkenburg, Mr. President.
Total 40

Noes: Berg, Crippen, Halligan, Hazelbaker, Manning, Norman, Olson, Tveit.
Total 8

Excused: None.
Total 0

Absent or not voting: Aklestad, Hager.
Total 2

Senator Hager moved that House Bill No. 794 be taken from the Committee on Public Health, Welfare and Safety and placed on Second Reading. Motion carried by the following vote:

Ayes: Anderson, Blaylock, B. Brown, S. Brown, Conover, Crippen, Dover, Elliott, Etchart, Graham, Haffey, Hager, Halligan, Hammond, Healy, Himsl, Jacobson, Johnson, Keating, Manning, Mazurek, Norman, O'Hara, Regan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Van Valkenburg, Mr. President.
Total 33

Noes: Aklestad, Berg, Boylan, Eck, Galt, Goodover, Hafferman, Hazelbaker, Kolstad, Lee, Manley, McCallum, Nelson, Ochsner, Olson, Ryan, Tveit.
Total 17

Excused: None.
Total 0

Absent or not voting: None.
Total 0

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

The Free Conference Committee Report on Senate Bill No. 72 was adopted by the following vote:

Ayes: Aklestad, Anderson, Berg, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Etchart, Galt, Goodover, Graham, Hafferman,

Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: Blaylock, Elliott.
Total 2

Senate Bill No. 466 was passed by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Senate Joint Resolution No. 28 was passed by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg.
Total 47

Noes: Dover, Hammond.
Total 2

Excused: None.
Total 0

Absent or not voting: Mr. President.
Total 1

Senate Joint Resolution No. 30 was passed by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.

Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Senate Joint Resolution No. 31 was passed by the following vote:

Ayes: Anderson, Berg, Blaylock, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 47

Noes: Aklestad, Boylan, Hammond.
Total 3

Excused: None.
Total 0

Absent or not voting: None.
Total 0

House Bill No. 197 was concurred in by the following vote:

Ayes: Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg.
Total 48

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: Aklestad, Mr. President.
Total 2

House Bill No. 209 was concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: Ryan.
Total 1

Excused: None.

Total 0

Absent or not voting: None.
Total 0

House Bill No. 220 was concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg.
Total 46

Noes: Ryan, Severson, Mr. President.
Total 3

Excused: None.
Total 0

Absent or not voting: Manning.
Total 1

House Bill No. 246 was concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

House Bill No. 357 was concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

House Bill No. 377 was concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

House Bill No. 378 was concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

House Bill No. 380 was concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: Boylan.
Total 1

Excused: None.
Total 0

Absent or not voting: None.
Total 0

House Bill No. 385 was concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum,

Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: Hafferman.
Total 1

House Bill No. 398 was concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

House Bill No. 425 was concurred in by the following vote:

Ayes: Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 46

Noes: Aklestad, Hafferman, Lee, Manley.
Total 4

Excused: None.
Total 0

Absent or not voting: None.
Total 0

House Bill No. 463 was concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Graham, Hafferman, Hammond, Himsl, Jacobson, Kolstad, Mazurek, McCallum, Nelson, Ochsner, O'Hara, Olson, Ryan, Severson, Smith, Story, Towe, Tveit.
Total 30

Noes: Blaylock, Boylan, Goodover, Haffey, Hager, Halligan, Hazelbaker, Healy, Johnson, Keating, Lee, Manley, Manning, Norman, Regan, Stephens, Stimatz, Thomas, Van Valkenburg, Mr. President.

Total 20

Excused: None.
Total 0

Absent or not voting: None.
Total 0

House Bill No. 488 was concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: Manley.
Total 1

Excused: None.
Total 0

Absent or not voting: None.
Total 0

House Bill No. 498 was concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

House Bill No. 562 was concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: Hazelbaker.
Total 1

House Bill No. 569 was concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manning, Mazurek, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg.
Total 45

Noes: Boylan, Elliott, Manley, McCallum, Mr. President.
Total 5

Excused: None.
Total 0

Absent or not voting: None.
Total 0

House Bill No. 629 was concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

House Bill No. 678 was concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

House Bill No. 692 was concurred in by the following vote:

Ayes: Anderson, Berg, Blaylock, Boylan, S. Brown, Conover, Crippen, Dover, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Norman, Ochsner, O'Hara, Regan, Ryan, Severson, Stimatz, Story, Thomas, Towe, Van Valkenburg, Mr. President.
Total 41

Noes: Aklestad, B. Brown, Eck, Hammond, Nelson, Olson, Smith, Stephens, Tveit.
Total 9

Excused: None.
Total 0

Absent or not voting: None.
Total 0

House Bill No. 698 was concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

House Joint Resolution No. 29 was concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Eck, Etchart, Galt, Goodover, Hafferman, Haffey, Hager, Halligan, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 46

Noes: Dover, Elliott, Hammond.
Total 3

Excused: None.
Total 0

Absent or not voting: Graham.
Total 1

At the request of the President Pro Tempore, and without objection, the Senate reverted to Order of Business No. 8.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Senator Van Valkenburg in the Chair.

Senate resumed. President Pro Tempore Kolstad in the Chair.

Mr. President Pro Tempore: We, your Committee of the Whole, having had under consideration business on Second Reading, recommend as follows:

That House Bill No. 25 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

That Senate Joint Resolution No. 27 do pass by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

That House Bill No. 5, without objection, be placed at the bottom of the board.

That House Bill No. 212 pass consideration. Unanimously passed.

That House Bill No. 333 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Senator Turnage moved that House Bill No. 811 be indefinitely postponed. Motion carried by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

That House Bill No. 538 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

That House Bill No. 735 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

That House Bill No. 761 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

That House Bill No. 792 be amended as follows:

1. Title, line 9.
Following: "LEGISLATURE"
Insert: "; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE"

2. Page 6.
Following: line 15
Insert: "Section 10. Effective date. This act is effective on passage and approval."

Amendments passed by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

That House Bill No. 792 be concurred in. Motion failed by the following vote:

Ayes: Berg, Blaylock, S. Brown, Conover, Eck, Etchart, Hafferman, Haffey, Halligan, Healy, Jacobson, Johnson, Manley, Mazurek, Norman, Regan, Ryan, Stimatz, Story, Towe, Van Valkenburg.
Total 21

Noes: Aklestad, Anderson, Boylan, B. Brown, Crippen, Dover, Elliott, Galt, Goodover, Graham, Hager, Hammond, Hazelbaker, Himsl, Keating,

Kolstad, Lee, McCallum, Nelson, Ochsner, O'Hara, Olson, Severson, Smith, Stephens, Tveit, Mr. President.
Total 27

Excused: None.
Total 0

Absent or not voting: Manning, Thomas.
Total 2

That House Bill No. 792 be indefinitely postponed. Motion carried by the following vote:

Ayes: Aklestad, Anderson, Boylan, B. Brown, Crippen, Dover, Galt, Goodover, Graham, Hager, Hammond, Hazelbaker, Himsl, Johnson, Keating, Kolstad, Lee, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Severson, Smith, Stephens, Thomas, Tveit, Mr. President.
Total 30

Noes: Berg, Blaylock, S. Brown, Conover, Eck, Etchart, Hafferman, Haffey, Halligan, Healy, Jacobson, Manley, Regan, Ryan, Stimatz, Story, Towe, Van Valkenburg.
Total 18

Excused: None.
Total 0

Absent or not voting: Elliott, Manning.
Total 2

That the Committee rise and report and beg leave to sit again. (Van Valkenburg, Chairman)

Upon motion of Senator Van Valkenburg, duly carried, the foregoing Report of the Committee of the Whole was adopted.

At the request of the President Pro Tempore, and without objection, the Senate reverted to Order of Business No. 6.

MOTIONS

Senator Turnage moved, duly carried, to recess subject to the Call of the Chair, for a Rules Committee meeting on House Bill No. 813.

Senate resumed.

At the request of the President Pro Tempore, and without objection, the Senate reverted to Order of Business No. 2.

REPORTS OF STANDING COMMITTEES

Senator Turnage reported that the Rules Committee took the position that it takes a two-thirds vote on Third Reading and a simple majority on Second Reading on the question of House Bill No. 813.

Do pass. Report adopted.

MOTIONS

Senator Johnson moved, duly carried, to change her vote on House Bill No. 792 and on indefinitely postponing House Bill No. 792 from "no" to "aye".

Senator Stephens moved, duly carried, that the Senate stand in recess at the hour of 11:47 a.m. until the hour of 1:30 p.m.

At the request of the President Pro Tempore, and without objection, the Senate reverted to Order of Business No. 4.

MESSAGES FROM THE GOVERNOR

March 27, 1981

The Honorable Jean Turnage
President, Montana State Senate
State Capitol
Helena, Montana 59620

Dear Senator Turnage:

I respectfully request that the term ending dates be changed from two of Governor Schwinden's recent appointments:

Marjorie W. King, as a member of the Board of Public Education, will serve a term ending February 1, 1988.

Arthur P. Schauer, as a member of the Board of Public Education, will serve a term ending February 1, 1982.

Sincerely,

KEITH L. COLBO
Executive Assistant

MOTIONS

Senator Stephens moved, duly carried, that the Senate recess at the hour of 1:30 p.m. until the hour of 2:15 p.m.

Senator Stephens moved, duly carried, that the Senate request the House to return House Joint Resolution No. 21, House Bill No. 797 and House Bill No. 806, in order for the Senate to reconsider its action.

FIRST READING OF BILLS

The following Senate Resolution was introduced, read first time, and referred to committee:

SR 3, introduced by Manley, Brand. Referred to Committee on Public Health, Welfare and Safety.

The following House Joint Resolution was introduced, read first time, and referred to committee:

HJR 47, introduced by Nilson, Devlin, Robbins, Jacobson, McLane, Andreason, Daily, Ellison, Curtiss, Roush, Bengtson, E. Smith, Iverson, Conover, Stobie, Ryan, Lee, Manuel, C. Smith, R. Manning, Conroy, Dozier, Feda, Huennekens, Harrington, Galt, Etchart, Vinger, Kennerly, Menahan, Roth, Bertelsen, Asay, Burnett, Mueller, Bennett, Phillips, Boylan, Severson, Berg, Cozzens, Stimatz, Berg, Eck. Referred to Committee on Fish and Game.

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Van Valkenburg in the Chair.

Senate resumed. President Pro Tempore Kolstad in the Chair.

Mr. President Pro Tempore: We, your Committee of the Whole, having had under consideration business on Second Reading, recommend as follows:

That House Bill No. 813 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Boylan, Crippen, Dover, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Hager, Hammond, Hazelbaker, Himsl, Keating, Kolstad, Manley, Nelson, Ochsner, O'Hara, Severson, Smith, Story, Thomas, Tveit.
Total 26

Noes: Berg, Blaylock, B. Brown. S. Brown, Conover, Eck, Halligan, Healy, Jacobson, Johnson, Lee, Manning, Mazurek, Norman, Olson, Regan, Ryan, Towe, Van Valkenburg.
Total 19

Excused: None.
Total 0

Absent or not voting: Haffey, McCallum, Stephens, Stimatz, Mr. President.
Total 5

That Senate Bill No. 126 do pass by the following vote:

Ayes: Aklestad, Berg, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 45

Noes: Blaylock, Jacobson, Stimatz.
Total 3

Excused: None.
Total 0

Absent or not voting: Anderson, Haffey.
Total 2

That Senate Joint Resolution No. 29 do pass by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

That House Bill No. 12 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl,

Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. Turnage.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

That House Bill No. 36 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

That House Bill No. 71 pass consideration. Unanimously passed.

That House Bill No. 102 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, M. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

That House Bill No. 161 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Severson,

Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 47

Noes: Etchart, Lee, Etchart.
Total 3

Excused: None.
Total 0

Absent or not voting: None.
Total 0

That House Bill No. 316 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

That the Committee rise and report. (Van Valkenburg, Chairman)

Upon motion of Senator Van Valkenburg, duly carried, the foregoing Report of the Committee of the Whole was adopted.

At the request of the President Pro Tempore, and without objection, the Senate reverted to Order of Business No. 2.

REPORTS OF STANDING COMMITTEES

TAXATION (Goodover, Chairman):
SB 355, do pass. Report adopted.
SB 460, do pass. Report adopted.
HB 561, be concurred in. Report adopted.
HB 622, be concurred in. Report adopted.
HB 804, be concurred in. Report adopted.

LOCAL GOVERNMENT (McCallum, Chairman):
HB 393, be not concurred in.

Thereupon, the Adverse Committee Report was adopted by the following roll call vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, Conover, Dover, Eck, Elliott, Galt, Goodover, Graham, Hafferman, Haffey, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Kolstad, Lee, Manley, Mazurek, McCallum, Nelson, Norman, Ochsner, Olson, Regan, Ryan, Smith, Stephens, Story, Tveit, Van Valkenburg, Mr. President.
Total 38

Noes: Towe.

Total 1

Excused: None.
Total 0

Absent or not voting: S. Brown, Crippen, Etchart, Hager, Johnson, Keating, Manning, O'Hara, Severson, Stimatz, Thomas.
Total 11

TAXATION (Goodover, Chairman):
SB 384, do not pass.

Thereupon, the Adverse Committee Report was adopted by the following roll call vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, Conover, Dover, Goodover, Graham, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Kolstad, Lee, Manley, McCallum, Nelson, Norman, Ochsner, Olson, Regan, Smith, Stephens, Story, Tveit, Van Valkenburg, Mr. President.
Total 31

Noes: Crippen, Eck, Elliott, Galt, Hafferman, Hager, Mazurek, Ryan, Towe.
Total 9

Excused: None.
Total 0

Absent or not voting: S. Brown, Etchart, Haffey, Johnson, Keating, Manning, O'Hara, Severson, Stimatz, Thomas.
Total 10

MOTIONS

Senator Mazurek moved, duly carried, that House Bill No. 536 be taken from Second Reading and referred to the Committee on Judiciary.

Senator Anderson moved, duly carried, that House Bill No. 713 be taken from Second Reading and referred to the Committee on Judiciary.

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Van Valkenburg in the Chair.

Senate resumed. President Pro Tempore Kolstad in the Chair.

Mr. President Pro Tempore: We, your Committee of the Whole, having had under consideration business on Second Reading, recommend as follows:

That House Bill No. 329 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Boylan, Conover, Crippen, Elliott, Galt, Goodover, Hafferman, Haffey, Hager, Hammond, Hazelbaker, Himsl, Johnson, Keating, Kolstad, Lee, Manley, Manning, McCallum, Nelson, Ochsner, Olson, Smith, Stephens, Story, Tveit, Mr. President.
Total 29

Noes: Berg, Blaylock, B. Brown, S. Brown, Eck, Graham, Halligan, Healy, Jacobson, Mazurek, Norman, Regan, Ryan, Stimatz, Thomas, Towe, Van Valkenburg.
Total 17

Excused: None.
Total 0

Absent or not voting: Dover, Etchart, O'Hara, Severson.
Total 4

That House Bill No. 336 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Boylan, B. Brown, S. Brown, Dover, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Hager, Hammond, Hazelbaker, Healy, Himsl, Keating, Kolstad, Lee, Manley, McCallum, Nelson, Ochsner, O'Hara, Olson, Ryan, Stephens, Story, Mr. President.
Total 30

Noes: Berg, Blaylock, Conover, Eck, Haffey, Halligan, Johnson, Mazurek, Norman, Regan, Thomas, Van Valkenburg.
Total 12

Excused: None.
Total 0

Absent or not voting: Crippen, Jacobson, Manning, Severson, Smith, Stimatz, Towe, Tveit.
Total 8

That House Bill No. 436 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

That House Bill No. 442 be concurred in by the following vote:

Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

That House Bill No. 445 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

That House Bill No. 555 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

That House Bill No. 566 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

That House Bill No. 689 pass consideration. Motion carried by the following vote:

Ayes: Aklestad, Anderson, Blaylock, Boylan, B. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey,

Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, McCallum, Norman, Ochsner, O'Hara, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 45

Noes: Berg, S. Brown, Mazurek, Nelson, Olson.
Total 5

Excused: None.
Total 0

Absent or not voting: None.
Total 0

That House Bill No. 726 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Boylan, B. Brown, Conover, Eck, Elliott, Etchart, Graham, Hager, Halligan, Himsl, Johnson, Keating, Kolstad, Lee, Manning, Norman, Ochsner, Olson, Smith, Stephens, Story, Thomas, Tveit, Van Valkenburg, Mr. President.
Total 26

Noes: Berg, Blaylock, Dover, Goodover, Hafferman, Haffey, Hammond, Hazelbaker, Healy, Jacobson, Mazurek, McCallum, Nelson, O'Hara, Olson, Regan, Ryan, Stimatz.
Total 18

Excused: None.
Total 0

Absent or not voting: S. Brown, Crippen, Galt, Manley, Severson, Towe.
Total 6

That House Bill No. 738 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

That House Bill No. 766 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Boylan, B. Brown, Conover, Dover, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Hager, Hammond, Hazelbaker, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, O'Hara, Olson, Ryan, Smith, Stephens, Story, Thomas, Tveit, Mr. President.
Total 33

Noes: Berg, Blaylock, S. Brown, Eck, Haffey, Halligan, Healy, Himsl, Jacobson, Regan, Stimatz, Towe, Van Valkenburg.

Total 13

Excused: None.
Total 0

Absent or not voting: Crippen, Norman, Ochsner, Severson.
Total 4

That House Bill No. 770, without objection, be moved to the bottom of the board.

That House Bill No. 788 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Boylan, S. Brown, Conover, Dover, Eck, Etchart, Galt, Goodover, Graham, Hafferman, Halligan, Hammond, Johnson, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Norman, O'Hara, Smith, Stephens, Story, Towe, Tveit, Mr. President.
Total 29

Noes: Berg, Blaylock, Crippen, Haffey, Hazelbaker, Healy, Himsl, Jacobson, Keating, Nelson, Olson, Regan, Ryan, Stimatz, Thomas, Van Valkenburg.
Total 16

Excused: None.
Total 0

Absent or not voting: B. Brown, Elliott, Hager, Ochsner, Severson.
Total 5

Senator Van Valkenburg relinquished the Chair.

Senator S. Brown assumed the Chair.

That House Joint Resolution No. 18 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Mr. President.
Total 48

Noes: S. Brown, Van Valkenburg.
Total 2

Excused: None.
Total 0

Absent or not voting: None.
Total 0

That House Joint Resolution No. 36 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.

Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

That House Joint Resolution No. 48 be amended as follows:

1. Page 1, line 19.
Following: "lack of"
Strike: "a"
Insert: "knowledge of"
Following: "business"
Strike: "economy and"
Insert: "economics"

Amendment passed by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

That House Joint Resolution No. 48, as amended, be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Mr. President.
Total 48

Noes: Ryan, Van Valkenburg.
Total 2

Excused: None.
Total 0

Absent or not voting: None.
Total 0

That the Committee rise and report. (Van Valkenburg, Chairman)

Upon motion of Senator Van Valkenburg, duly carried, the foregoing Report of the Committee of the Whole was adopted.

At the request of the President Pro Tempore, and without objection, the Senate reverted to Order of Business No. 6.

MOTIONS

Senator Towe moved that the Senate reconsider its action taken on indefinitely postponing Senate Bill No. 476. Motion failed by the following vote:

Ayes: Anderson, Berg, Blaylock, B. Brown, S. Brown, Conover, Dover, Eck, Hafferman, Haffey, Hager, Halligan, Healy, Himsl, Jacobson, Manning, Norman, Regan, Stimatz, Thomas, Towe, Van Valkenburg.
Total 22

Noes: Aklestad, Boylan, Crippen, Elliott, Etchart, Galt, Goodover, Hammond, Hazelbaker, Johnson, Keating, Kolstad, Lee, Manley, Mazurek, McCallum, Nelson, Ochsner, O'Hara, Olson, Stephens, Story, Tveit.
Total 23

Excused: None.
Total 0

Absent or not voting: Graham, Ryan, Severson, Smith, Mr. President.
Total 5

Senator Goodover moved that House Bill No. 805 be taken from the Taxation Committee and be rereferred to the Local Government Committee. Motion carried by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, Conover, Crippen, Dover, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 47

Noes: S. Brown, Eck, Hager.
Total 3

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Senator Anderson moved that House Bill No. 689 be taken from Second Reading and be rereferred to the Judiciary Committee. Motion carried by the following vote:

Ayes: Aklestad, Anderson, Blaylock, Boylan, B. Brown, Conover, Crippen, Dover, Elliott, Etchart, Galt, Goodover, Graham, Hager, Hammond, Hazelbaker, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, McCallum, Nelson, Norman, Ochsner, O'Hara, Regan, Ryan, Stephens, Story, Thomas, Van Valkenburg, Mr. President.
Total 35

Noes: Berg, S. Brown, Eck, Hafferman, Haffey, Halligan, Mazurek, Olson, Stimatz, Towe, Tveit.
Total 11

Excused: None.
Total 0

Absent or not voting: Healy, Himsl, Severson, Smith.
Total 4

At the request of the President Pro Tempore, and without objection, the Senate reverted to Order of Business No. 2.

REPORTS OF STANDING COMMITTEES

BILLS (O'Hara, Chairman):
Correctly engrossed - SB 44, SB 337, SB 484. Report adopted.

Correctly enrolled - SB 255, SB 284, SB 306, SB 312, SB 314, SB 328, SB 336, SB 350, SB 405, SB 407, SB 414, SB 424, SB 427, SB 445. Report adopted.

I have examined Senate Bill No. 255 introduced by me and find the same to be correct. (Turnage)

I have examined Senate Bill No. 284 introduced by me and find the same to be correct. (Stimatz)

I have examined Senate Bill No. 306 introduced by me and find the same to be correct. (Himsl)

I have examined Senate Bill No. 312 introduced by me and find the same to be correct. (Himsl)

I have examined Senate Bill No. 314 introduced by me and find the same to be correct. (M. Anderson)

I have examined Senate Bill No. 328 introduced by me and find the same to be correct. (Thomas)

I have examined Senate Bill No. 336 introduced by me and find the same to be correct. (Ryan)

I have examined Senate Bill No. 350 introduced by me and find the same to be correct. (Stimatz)

I have examined Senate Bill No. 405 introduced by me and find the same to be correct. (Regan)

I have examined Senate Bill No. 407 introduced by me and find the same to be correct. (S. Brown)

I have examined Senate Bill No. 414 introduced by me and find the same to be correct. (Boylan)

I have examined Senate Bill No. 424 introduced by me and find the same to be correct. (Himsl)

I have examined Senate Bill No. 427 introduced by me and find the same to be correct. (S. Brown)

I have examined Senate Bill No. 445 introduced by me and find the same to be correct. (Hazelbaker)

Signed by the Speaker of the House and President of the Senate, 3/27/81, at the hour of 2:15 p.m., delivered to the Governor for his approval - SB 255. Report adopted.

The Senate will please take note that the President did, at the hour of 2:00 p.m., 3/27/81, sign the following bills:
SB 255, SB 284, SB 306, SB 312, SB 314, SB 328, SB 336, SB 350, SB 405, SB 407, SB 414, SB 424, SB 427, SB 445.

Jean A. Turnage
President

Upon motion of Senator Stephens, duly carried, the Senate adjourned at 5:31 p.m. until Saturday, March 28, at the hour of 9:00 a.m.

ALLEN C. KOLSTAD
President Pro Tempore of the Senate

JOHN W. LARSON
Secretary of the Senate

SIXTY-NINTH LEGISLATIVE DAY

Helena, Montana
March 28, 1981

Senate Chambers
Capitol Building

Senate convened at 9:00 a.m., President Turnage presiding. Invocation by the Chaplain. Pledge of Allegiance to the Flag.

Roll call. All members present except Thomas, excused. Quorum present.

Mr. President: We, your Committee on Bills and Journal, having examined the daily journal for the Sixty-eighth Legislative Day, find the same to be correct.

O'HARA, Chairman

REPORTS OF STANDING COMMITTEES

PRINTING (O'Hara, Chairman):
Correctly printed and placed on the members' desks - SB 355, SB 460. Report adopted.

BILLS (O'Hara, Chairman):
Correctly engrossed - SB 431, SJR 27, SJR 29. Report adopted.

TAXATION (Goodover, Chairman):
SB 200, introduced bill, be amended as follows:

1. Title, line 6.
Following: "TAX;"
Insert: "DEFINING THE TERM EXCISE TAX;"
Following: "SECTIONS"
Insert: "15-23-601,"

2. Page 1.
Following: line 10
Insert: "Section 1. Section 15-23-601, MCA, is amended to read:

"15-23-601. Definitions. As used in this part, the following definitions apply:

(1) "Excise tax" means the windfall profit tax on domestic crude oil imposed by Title I of the federal Crude Oil Windfall Profit Tax Act of 1980, as enacted or as amended.

(2) The terms "operator" and "producer" mean any person who engages in the business of drilling for, extracting, or producing any natural gas, petroleum, or other crude or mineral oil.

~~(2)~~(3) The term "well" includes each single well or group of wells, including dry wells, in one field or production unit and under the control of one operator or producer.""
Renumber: subsequent sections

And, as so amended, do pass. Report adopted.

The Committee adopted the following Statement of Intent:

STATEMENT OF INTENT: Senate Bill No. 200

This act permits the deduction of the windfall profit tax on domestic crude oil in computing net proceeds for the net proceeds tax on oil and gas. In promulgating rules to implement this act, the Department of Revenue may require taxpayers to furnish or make available supporting information and documents to enable the department to verify the amount claimed as the windfall profit tax deduction.

First adopted by the Senate Taxation Committee on March 25, 1981.

Report adopted.

SB 252, introduced bill, be amended as follows:

1. Page 3, line 6.
Following: line 5
Strike: all of Section 4 through line 5 on page 4
Insert: "NEW SECTION. Section 4. Property tax on automobiles and light trucks. (1) The department of revenue shall adopt rules placing all automobiles and light trucks into one of the following four classes:

(a) class I - subcompact and compact vehicles;

(b) class II - intermediate vehicles;

(c) class III - standard vehicles; and

(d) class IV - luxury vehicles.

(2) The department of revenue shall use the following criteria when placing vehicles into each class:

(a) the original purchase price of the vehicle relative to the price of other vehicles of the same year; and

(b) such other criteria as the department considers necessary to carry out the intent of this section.

(3) A property tax is imposed on light trucks, as that term is defined in [section 3], and on automobiles according to the following schedule:

Age of Vehicle	Class of Vehicle I	II	III	IV
1 yr.	80	90	120	160
2 yr.	70	80	110	140
3 yr.	60	70	100	120
4 yr.	50	60	90	100
5 yr.	40	50	70	80
6 yr.	30	40	50	60
7 yr.	25	30	35	40
8 yr. and older	15	15	20	20"

And, as so amended, do pass. Report adopted.

The Committee adopted the following Statement of Intent:

STATEMENT OF INTENT: Senate Bill No. 252

A statement of intent is required for Senate Bill No. 252 because it grants the Department of Revenue the authority to place automobiles and light trucks into one of four classes for purposes of property taxation. The National Automobile Dealers' Used Car Guide places automobiles and light trucks into four categories. The NADA categories include:

Category I - subcompacts and compacts
Category II - intermediate
Category III - standard size
Category IV - luxury

It is the intent of the legislature that the Department of Revenue place those automobiles and light trucks that NADA places in Category I into

Class I; and place those automobiles and light trucks that NADA places in Category II into Class II, and so on.

First adopted by the Senate Taxation Committee on the 26th day of March 1981.

Report adopted.

NATURAL RESOURCES (Dover, Chairman):
HJR 42, third reading copy, be amended as follows:

1. Pages 1 and 2.
Strike: lines 11-25 on page 1 and lines 1-14 on page 2
Insert: "WHEREAS, the States of Washington, Oregon, and Idaho have negotiated and are considering in their present legislative sessions ratification of the Northwest Interstate Compact on Low-Level Radioactive Waste Management; and

WHEREAS, this compact would allow Montana to become a party by executive order or action of the Governor on a temporary basis until final adjournment of the 48th Session of the Montana Legislature or July 1, 1983, whichever occurs first.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

That, contingent upon the ratification by the State of Washington and one or more other interested states in the region, the Governor of Montana shall take appropriate executive action designating Montana as a party to this Compact on a temporary basis for the purpose of allowing continued disposal of Montana generated low-level radioactive wastes at the Hanford, Washington disposal site; and

BE IT FURTHER RESOLVED, the Governor's action designating Montana as a temporary compact party expire on the date of final adjournment of the 48th Session of the Montana Legislature or July 1, 1983, whichever occurs first; and

BE IT FURTHER RESOLVED, that the Governor shall analyze the implications of Montana's long term participation in the Northwest Interstate Compact on Low-Level Radioactive Waste Management and report his findings to the legislature on or before October 1, 1982; and

BE IT FURTHER RESOLVED, that the Governor shall present the Northwest Interstate Compact on Low-Level Radioactive Waste Management to the 48th Session of the Montana Legislature for its review and ratification if the Governor considers such presentation appropriate."

And, as so amended, be concurred in. Report adopted.

REPORTS OF SELECT COMMITTEES

FREE CONFERENCE COMMITTEE ON SENATE BILL NO. 15
Report No. 2, March 27, 1981

MR. PRESIDENT AND SPEAKER OF THE HOUSE:

We, your Free Conference Committee on Senate Bill No. 15, met March 23, 1981, and considered:

House Committee of the Whole Amendments to the third reading copy, dated March 11, 1981, and recommend as follows:

That the House recede from Committee Amendment No. 1;

That the Senate accede to Committee Amendment No. 2;

That Senate Bill No. 15 be further amended as specified in CLERICAL INSTRUCTION NO. 2;

That the reference copy of Senate Bill No. 15 read as specified in the CLERICAL INSTRUCTIONS;

And, that the Conference Committee Report to Senate Bill No. 15 be adopted.

CLERICAL INSTRUCTIONS:

1. Page 26, lines 19 through 24.
Strike: Section 18 in its entirety
Renumber: subsequent sections

2. Page 26.
Following: line 24
Insert: "NEW SECTION. Section 18. Redemption of bonds — optional method. Between the effective date and termination date of this act, a governing body in connection with the issuance of bonds may, at its option, provide that such bonds shall be redeemable at such time or times and upon such terms and conditions as the governing body shall deem to be in the best interest of the public, notwithstanding any statutory provision to the contrary."
Renumber: subsequent sections

FOR THE SENATE:	FOR THE HOUSE:
Senator Mazurek, Chairman	Representative Sales, Chairman
Senator Crippen	Representative Vinger
Senator Elliott	Representative Williams

Report adopted.

FREE CONFERENCE COMMITTEE
ON SENATE BILL NO. 125
Report No. 1, March 25, 1981

MR. PRESIDENT AND SPEAKER OF THE HOUSE:

We, your Free Conference Committee on House Amendments to Senate Bill No. 125, met March 25, 1981, and considered:

House Amendments to Senate Bill No. 125, and recommend as follows:

That Senate Bill No. 125, reference copy, be amended as follows:

1. Page 1, line 16.
Following: "~~$150,000~~"
Strike: "$400,000"
Insert: "$150,000"

2. Page 1, line 21.
Following: "~~$175,000~~"
Strike: "$400,000"
Insert: "$300,000"

And, that the Free Conference Committee Report on Senate Bill No. 125 be adopted.

FOR THE SENATE:

Senator Hammond, Chairman
Senator Galt
Senator Mazurek

FOR THE HOUSE:

Representative Anderson, Chairman
Representative Hanson
Representative Holliday

Report adopted.

MESSAGES FROM THE GOVERNOR

March 27, 1981

The Honorable Jean A. Turnage
President of the Senate
State Capitol
Helena, Montana 59620

Dear Mr. President:

This is to inform you that I have signed the following measure this date:

Senate Bill No. 247.

Sincerely,

TED SCHWINDEN
Governor

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following Senate Bill was on 3/27/81, on Standing Committee Report, not concurred in and returned to the Senate:

Senate Bill No. 123, introduced by Etchart

The House on 3/27/81, acceded to the request of the Senate for the return of House Bill No. 797 and No. 806, and House Joint Resolution No. 21, and is returning said bills and resolution to the Senate for further consideration.

MOTIONS

Senator Haffey moved that the Senate reconsider its action taken on indefinitely postponing House Bill No. 792. Motion failed by the following vote:

Ayes: Berg, Blaylock, S. Brown, Conover, Eck, Elliott, Hafferman, Haffey, Halligan, Healy, Jacobson, Johnson, Manley, Manning, Mazurek, Norman, Regan, Ryan, Stimatz, Towe, Van Valkenburg.
Total 21

Noes: Aklestad, Anderson, Boylan, B. Brown, Crippen, Dover, Etchart, Galt, Goodover, Graham, Hager, Hammond, Hazelbaker, Himsl, Keating, Kolstad, Lee, McCallum, Nelson, Ochsner, O'Hara, Olson, Severson, Smith, Stephens, Story, Tveit, Mr. President.
Total 28

Excused: Thomas.
Total 1

Absent or not voting: None.
Total 0

Senator Stephens moved that the Joint Rules of the Forty-seventh Legislative Session be temporarily suspended in order to place the Free

Conference Committee Report on Senate Bill No. 15, on Second Reading this day. Motion carried by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Towe, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Thomas.
Total 1

Absent or not voting: Story.
Total 1

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

Senate Bill No. 44 was passed by the following vote:

Ayes: Aklestad, Anderson, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Ryan, Severson, Smith, Stephens, Stimatz, Towe, Tveit, Van Valkenburg, Mr. President.
Total 44

Noes: Berg, Blaylock, Eck, Regan.
Total 4

Excused: Thomas.
Total 1

Absent or not voting: Story.
Total 1

Senate Bill No. 337 was passed by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Eck, Etchart, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Towe, Tveit, Van Valkenburg, Mr. President.
Total 44

Noes: Dover, Elliott, Galt.
Total 3

Excused: Thomas.
Total 1

Absent or not voting: Nelson, Story.
Total 2

Senate Bill No. 484 was passed by the following vote:

Ayes: Anderson, Berg, Boylan, B. Brown, Conover, Crippen, Dover, Eck, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Regan, Severson, Smith, Stephens, Stimatz, Story, Towe, Tveit, Van Valkenburg, Mr. President.
Total 41

Noes: Aklestad, S. Brown, Elliott, Lee, Manley, Olson, Ryan.
Total 7

Excused: Thomas.
Total 1

Absent or not voting: Blaylock.
Total 1

House Bill No. 66 was concurred in by the following vote:

Ayes: Aklestad, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Kolstad, Lee, Manley, Manning, McCallum, Nelson, Norman, Ochsner, O'Hara, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Towe, Tveit, Van Valkenburg, Mr. President.
Total 44

Noes: Anderson, Berg, Mazurek, Olson.
Total 4

Excused: Thomas.
Total 1

Absent or not voting: Keating.
Total 1

House Bill No. 80 was concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Towe, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Thomas.
Total 1

Absent or not voting: None.
Total 0

House Bill No. 167 was concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan,

Severson, Smith, Stephens, Stimatz, Story, Towe, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Thomas.
Total 1

Absent or not voting: None.
Total 0

House Bill No. 213 was concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Towe, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Thomas.
Total 1

Absent or not voting: None.
Total 0

House Bill No. 300 was concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Manley, Mazurek, McCallum, Nelson, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Towe, Tveit, Mr. President.
Total 43

Noes: Halligan, Norman, Van Valkenburg.
Total 3

Excused: Thomas.
Total 1

Absent or not voting: Blaylock, Lee, Manning.
Total 3

House Bill No. 403 was concurred in by the following vote:

Ayes: Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hazelbaker, Healy, Himsl, Jacobson, Keating, Kolstad, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Regan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Mr. President.
Total 38

Noes: Aklestad, Crippen, Dover, Hafferman, Hammond, Johnson, Lee, Manley, Olson, Ryan, Tveit, Van Valkenburg.
Total 12

Excused: None.
Total 0

Absent or not voting: None.
Total 0

(Including the following pair: Thomas, aye - Crippen, no.)

House Bill No. 437 was concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Towe, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Thomas.
Total 1

Absent or not voting: None.
Total 0

House Bill No. 504 was concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Severson, Smith, Stephens, Story, Towe, Tveit, Van Valkenburg, Mr. President.
Total 46

Noes: Dover, Ryan, Stimatz.
Total 3

Excused: Thomas.
Total 1

Absent or not voting: None.
Total 0

House Bill No. 517 was concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manning, Mazurek, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Story, Towe, Tveit, Van Valkenburg, Mr. President.
Total 45

Noes: Hafferman, Manley, McCallum, Stimatz.
Total 4

Excused: Thomas.
Total 1

Absent or not voting: None.

Total 0

House Bill No. 587 was concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Towe, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Thomas.
Total 1

Absent or not voting: None.
Total 0

House Bill No. 600 was concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Towe, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Thomas.
Total 1

Absent or not voting: None.
Total 0

House Bill No. 734 was concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Regan, Severson, Smith, Stephens, Stimatz, Story, Towe, Van Valkenburg.
Total 44

Noes: Manley, Olson, Ryan, Tveit, Mr. President.
Total 5

Excused: Thomas.
Total 1

Absent or not voting: None.
Total 0

House Bill No. 773 was concurred in by the following vote:

Ayes: Aklestad, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Haffey, Hager,

Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Regan, Severson, Smith, Stephens, Stimatz, Story, Towe, Tveit, Mr. President.
Total 42

Noes: Anderson, Berg, Hafferman, Halligan, Olson, Ryan, Van Valkenburg.
Total 7

Excused: Thomas.
Total 1

Absent or not voting: None.
Total 0

House Bill No. 824 was concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Towe, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Thomas.
Total 1

Absent or not voting: None.
Total 0

House Joint Resolution No. 41 was concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Towe, Tveit, Van Valkenburg.
Total 48

Noes: None.
Total 0

Excused: Thomas.
Total 1

Absent or not voting: Mr. President.
Total 1

At the request of the President, and without objection, the Senate reverted to Order of Business No. 8.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Senator Etchart in the Chair.

Senate resumed. President Turnage in the Chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on Second Reading, recommend as follows:

That the Free Conference Committee Report on Senate Bill No. 15 be adopted by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Towe, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Thomas.
Total 1

Absent or not voting: None.
Total 0

That House Bill No. 212 be amended as follows:

1. Title, lines 7 and 8.
Following: "GUILTY"
Strike: all language through "DISCHARGE," on line 8

2. Title, line 8.
Following: "REQUIRING"
Strike: "SUCH"
Insert: "A"

3. Title, line 9.
Following: "TO"
Insert: "DETERMINE RELEASE OR DISCHARGE"
Following: "COURT"
Insert: "BEFORE DISPOSITION"

4. Page 2, line 13.
Following: "order"
Strike: "him"
Insert: "a predisposition investigation in accordance with 46-18-112 and 46-18-113, which must include an investigation of the present mental condition of the defendant. If the trial was by jury, the court shall hold a hearing to determine the appropriate disposition of the defendant. If the trial was by the court, the court may hold a hearing to obtain any additional testimony it considers necessary to determine the appropriate disposition of the defendant. In either case, the testimony and evidence presented at the trial shall be considered by the court in making its determination.

(2) The court, upon finding that the defendant may not be discharged or released without danger to others, shall order the defendant"

5. Page 2, line 17.
Strike: "(2)"
Insert: "(3)"
Following: "person"
Strike: "so confined"

Insert: "committed to the custody of the superintendant"

6. Page 2, line 18.
Following: "~~waived~~,"
Insert: "unless waived,"
Following: "~~50~~"
Strike: "180 days"
Insert: "1 year"
Following: "confinement"
Insert: "and yearly thereafter"

7. Page 2, lines 20 through 23.
Strike: all underlined language

8. Page 3, line 4.
Strike: "(3)"
Insert: "(4)"

Amendments passed by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Norman.
Total 1

Absent or not voting: None.
Total 0

That House Bill No. 212, as amended, be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Norman.
Total 1

Absent or not voting: None.
Total 0

That House Bill No. 71, without objection, be moved to the bottom of the board.

That House Bill No. 770 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Norman.
Total 1

Absent or not voting: None.
Total 0

That House Bill No. 5 be concurred in. Motion failed by the following vote:

Ayes: Anderson, Berg, Blaylock, S. Brown, Conover, Eck, Haffey, Halligan, Healy, Jacobson, Manning, Mazurek, Norman, Regan, Stimatz, Towe, Van Valkenburg.
Total 17

Noes: Aklestad, Boylan, B. Brown, Crippen, Dover, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Hager, Hammond, Hazelbaker, Himsl, Johnson, Keating, Kolstad, Lee, Manley, McCallum, Nelson, Ochsner, O'Hara, Olson, Ryan, Severson, Smith, Stephens, Story, Tveit, Mr. President.
Total 32

Excused: Thomas.
Total 1

Absent or not voting: None.
Total 0

That House Bill No. 5 be indefinitely postponed. Motion carried by the following vote:

Ayes: Aklestad, Boylan, B. Brown, Crippen, Dover, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Hager, Hammond, Hazelbaker, Himsl, Johnson, Keating, Kolstad, Lee, Manley, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Ryan, Severson, Smith, Stephens, Story, Tveit, Mr. President.
Total 33

Noes: Anderson, Berg, Blaylock, S. Brown, Conover, Eck, Haffey, Halligan, Healy, Jacobson, Manning, Mazurek, Regan, Stimatz, Towe, Van Valkenburg.
Total 16

Excused: Thomas.
Total 1

Absent or not voting: None.
Total 0

That Senate Bill No. 485 do pass by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham,

Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Towe, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Thomas.
Total 1

Absent or not voting: None.
Total 0

That Senate Joint Resolution No. 32 do pass by the following vote:

Ayes: Anderson, Berg, Blaylock, B. Brown, S. Brown, Conover, Eck, Goodover, Hafferman, Haffey, Halligan, Healy, Jacobson, Keating, Kolstad, Lee, Manning, Mazurek, Norman, Olson, Regan, Ryan, Towe, Van Valkenburg.
Total 24

Noes: Aklestad, Boylan, Crippen, Dover, Elliott, Etchart, Galt, Graham, Hager, Hammond, Hazelbaker, Himsl, Johnson, Manley, McCallum, Nelson, Ochsner, O'Hara, Severson, Smith, Stephens, Stimatz, Tveit.
Total 23

Excused: Thomas.
Total 1

Absent or not voting: Story, Mr. President.
Total 2

That House Bill No. 17 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Towe, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Thomas.
Total 1

Absent or not voting: None.
Total 0

That House Bill No. 48 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Towe, Tveit, Van Valkenburg, Mr. President.

Total 49

Noes: None.
Total 0

Excused: Thomas.
Total 1

Absent or not voting: None.
Total 0

That House Bill No. 58 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Towe, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Thomas.
Total 1

Absent or not voting: None.
Total 0

That House Bill No. 90 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Towe, Tveit, Van Valkenburg, Mr. President.
Total 47

Noes: Elliott, Manley.
Total 2

Excused: Thomas.
Total 1

Absent or not voting: None.
Total 0

That House Bill No. 97 be concurred in by the following vote:

Ayes: Berg, B. Brown, S. Brown, Conover, Dover, Eck, Elliott, Galt, Goodover, Hafferman, Haffey, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Manning, Mazurek, McCallum, Nelson, Norman, Stephens, Stimatz, Story, Towe, Van Valkenburg, Mr. President.
Total 30

Noes: Aklestad, Anderson, Blaylock, Boylan, Etchart, Hager, Kolstad, Lee, O'Hara, Olson, Regan, Tveit.
Total 12

Excused: Thomas.

Total 1

Absent or not voting: Crippen, Graham, Manley, Ochsner, Ryan, Severson, Smith.
Total 7

That House Bill No. 127 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Towe, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Thomas.
Total 1

Absent or not voting: None.
Total 0

That House Bill No. 152 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Towe, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Thomas.
Total 1

Absent or not voting: None.
Total 0

That House Bill No. 179 pass consideration. Unanimously passed.

That House Bill No. 192 be amended as follows:

1. Page 2, lines 10 through 14.
Strike: subsection (B) in its entirety
Reletter: subsequent subsections

Amendment passed by the following vote:

Ayes: Boylan, Conover, Crippen, Dover, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hammond, Hazelbaker, Himsl, Johnson, Keating, Kolstad, Lee, Manley, Manning, McCallum, Nelson, Norman, Ochsner, O'Hara, Ryan, Severson, Smith, Stephens, Story, Tveit.
Total 31

Noes: Aklestad, Berg, Blaylock, B. Brown, S. Brown, Eck, Hager, Halligan, Healy, Jacobson, Mazurek, Olson, Regan, Stimatz, Towe, Van Valkenburg.

Total 16

Excused: Thomas.
Total 1

Absent or not voting: Anderson, Mr. President.
Total 2

That House Bill No. 192, as amended, be concurred in by the following vote:

Ayes: Aklestad, Anderson, B. Brown, S. Brown, Conover, Galt, Haffey, Hager, Halligan, Hammond, Healy, Himsl, Jacobson, Johnson, Manning, Mazurek, McCallum, Norman, O'Hara, Severson, Stimatz, Story, Towe, Tveit, Van Valkenburg.
Total 25

Noes: Berg, Blaylock, Boylan, Crippen, Dover, Eck, Elliott, Etchart, Goodover, Graham, Hafferman, Hazelbaker, Keating, Lee, Manley, Nelson, Ochsner, Olson, Regan, Ryan, Smith, Stephens, Mr. President.
Total 23

Excused: Thomas.
Total 1

Absent or not voting: Kolstad.
Total 1

That the Committee rise and report and beg leave to sit again. (Etchart, Chairman)

Upon motion of Senator Etchart, duly carried, the foregoing Report of the Committee of the Whole was adopted.

At the request of the President, and without objection, the Senate reverted to Order of Business No. 6.

MOTIONS

Senator Stephens moved that the Joint Rules of the Forty-seventh Legislative Session be temporarily suspended in order to permit the Senate to receive House Bill No. 860. Motion carried by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Towe, Tveit, Van Valkenburg.
Total 48

Noes: None.
Total 0

Excused: Thomas.
Total 1

Absent or not voting: Mr. President.
Total 1

Senator Stephens moved that the Joint Rules of the Forty-seventh Legislative Session be temporarily suspended in order to place the Free Conference Committee Report on Senate Bill No. 15 on Third Reading this day. Motion carried by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Keating, Kolstad, Lee, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Towe, Tveit.
Total 45

Noes: None.
Total 0

Excused: Thomas.
Total 1

Absent or not voting: Johnson, Manley, Van Valkenburg, Mr. President.
Total 4

Senator Stephens moved, duly carried, that the Senate recess at the hour of 11:43 a.m. until the hour of 1:30 p.m.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

Senate Bill No. 126 was passed by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Towe, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Thomas.
Total 1

Absent or not voting: Manning.
Total 1

Senate Bill No. 431 was passed by the following vote:

Ayes: Aklestad, Anderson, Berg, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Manning, Mazurek, McCallum, Nelson, O'Hara, Olson, Ryan, Severson, Smith, Stephens, Stimatz, Story, Towe, Tveit, Van Valkenburg, Mr. President.
Total 42

Noes: Blaylock, Eck, Lee, Manley, Norman, Ochsner, Regan.
Total 7

Excused: Thomas.
Total 1

Absent or not voting: None.
Total 0

Senate Joint Resolution No. 27 was passed by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Towe, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: S. Brown.
Total 1

Excused: Thomas.
Total 1

Absent or not voting: None.
Total 0

Senate Joint Resolution No. 29 was passed by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Smith, Stephens, Stimatz, Story, Towe, Tveit, Van Valkenburg, Mr. President.
Total 46

Noes: Dover, Hammond.
Total 2

Excused: Thomas.
Total 1

Absent or not voting: Severson.
Total 1

House Bill No. 305 was concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Dover, Eck, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Towe, Tveit, Van Valkenburg, Mr. President.
Total 47

Noes: Crippen, Elliott.
Total 2

Excused: Thomas.
Total 1

Absent or not voting: None.
Total 0

House Bill No. 364 was concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Galt, Graham, Hafferman, Hager, Halligan, Hammond, Hazelbaker, Jacobson, Johnson, Keating, Kolstad, Lee, Manning, Mazurek, McCallum, Nelson, Ochsner, O'Hara, Regan, Severson, Smith, Stephens, Stimatz, Story, Towe, Tveit, Mr. President.
Total 39

Noes: Etchart, Goodover, Haffey, Healy, Himsl, Manley, Norman, Olson, Ryan, Van Valkenburg.
Total 10

Excused: Thomas.
Total 1

Absent or not voting: None.
Total 0

House Bill No. 480 was concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Severson, Smith, Stephens, Stimatz, Story, Towe, Tveit, Mr. President.
Total 47

Noes: Ryan, Van Valkenburg.
Total 2

Excused: Thomas.
Total 1

Absent or not voting: None.
Total 0

House Bill No. 538 was concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Towe, Tveit, Van Valkenburg, Mr. President.
Total 47

Noes: None.
Total 0

Excused: Thomas.
Total 1

Absent or not voting: Blaylock, Hazelbaker.
Total 2

House Bill No. 578 was concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Towe, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Thomas.
Total 1

Absent or not voting: None.
Total 0

House Bill No. 657 was not concurred in by the following vote:

Ayes: Aklestad, Dover, Elliott, Etchart, Galt, Graham, Hager, Hammond, Hazelbaker, Himsl, Kolstad, Lee, Manley, Nelson, Ochsner, O'Hara, Olson, Severson, Story.
Total 19

Noes: Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Eck, Goodover, Hafferman, Haffey, Halligan, Healy, Jacobson, Johnson, Keating, Manning, Mazurek, McCallum, Norman, Regan, Ryan, Smith, Stephens, Stimatz, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 31

Excused: None.
Total 0

Absent or not voting: None.
Total 0

(Including the following pair: Hazelbaker, aye - Thomas, no.)

House Bill No. 662 was concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Towe, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Thomas.
Total 1

Absent or not voting: Story.
Total 1

House Bill No. 697 was not concurred in by the following vote:

Ayes: Berg, Blaylock, B. Brown, S. Brown, Dover, Eck, Haffey, Hager, Hazelbaker, Healy, Jacobson, Johnson, Manning, Mazurek, Norman, Regan, Stimatz, Story, Towe, Van Valkenburg.
Total 20

Noes: Aklestad, Anderson, Boylan, Conover, Crippen, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Halligan, Hammond, Himsl, Keating, Kolstad, Lee, Manley, McCallum, Nelson, Ochsner, O'Hara, Olson, Ryan, Severson, Smith, Stephens, Tveit, Mr. President.
Total 29

Excused: Thomas.
Total 1

Absent or not voting: None.
Total 0

House Bill No. 761 was concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Smith, Stephens, Stimatz, Story, Towe, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: Severson.
Total 1

Excused: Thomas.
Total 1

Absent or not voting: None.
Total 0

The Free Conference Committee Report on Senate Bill No. 15 was adopted by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Towe, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Thomas.
Total 1

Absent or not voting: None.
Total 0

At the request of the President, and without objection, the Senate reverted to Order of Business No. 6.

MOTIONS

Senator Stephens moved, duly carried, that the Senate recess at the hour of 1:47 p.m. until the hour of 2:30 p.m.

At the request of the President, and without objection, the Senate reverted to Order of Business No. 2.

REPORTS OF STANDING COMMITTEES

TAXATION (Goodover, Chairman):
SB 150, introduced bill, be amended as follows:

1. Title, line 4.
Following: "AN ACT"
Strike: remaining text through "MCA," on line 5
Insert: "TO CLARIFY THE STATUTES ALLOWING THE INVESTMENT CREDIT AND"

2. Title, line 6.
Following: "CREDIT TO"
Strike: "100"
Insert: "40"

Following: "CREDIT"
Insert: "; AMENDING SECTIONS 15-30-161, 15-30-162, AND 15-31-123, MCA"

3. Page 1, line 9.
Following: line 8
Insert: "Section 1. Section 15-30-161, MCA, is amended to read:

"15-30-161. Purpose and definition. ~~(1)~~ The purpose of 15-30-162 is to allow individuals, estates, and trusts~~, and small businesses that meet the definition established in this section~~ owning an interest in partnerships and in small business corporations electing to be taxed under the provisions of 15-31-202 to take ~~an~~ the investment credit as provided for in 15-30-162 ~~and thus~~ in order thus to stimulate capital investment by the small business sector.

~~(2) For the purposes of 15-30-162, "small business" means a business that is eligible to elect to be taxed under the provisions of 15-31-202, whether or not such election is made.~~"

Section 2. Section 15-30-162, MCA, is amended to read:

"15-30-162. Investment credit. (1) There is allowed as a credit against the taxes imposed by 15-30-103 and 15-30-104 a percentage of the credit allowed with respect to certain depreciable property under section 38 of the Internal Revenue Code of 1954, as amended, or as section 38 may be renumbered or amended.

(2) The amount of the credit allowed for the taxable year is the sum of:

(a) ~~20%~~40% of the amount of credit determined under section 46(a)(2) of the Internal Revenue Code of 1954, as amended, or as section 46(a)(2) may be renumbered or amended;

(b) the investment credit carryovers carried to the taxable year as provided in subsection (4); and

(c) the investment credit carrybacks carried to the taxable year as provided for in subsection (4).

(3) Notwithstanding the provisions of subsection (2), the investment credit allowed for the taxable year may not exceed the taxpayer's tax liability for the taxable year. In the event the taxpayer's tax liability for the taxable year exceeds $5,000, the investment credit may not exceed $5,000 plus 50% of the tax liability in excess of $5,000. In the case of a husband and wife who file separate returns, the investment credit may not exceed $2,500 plus 50% of the tax liability in excess of $2,500 unless the spouse of the taxpayer has no qualified investment for and no unused credit carryback or carryover to the taxable year of the spouse that ends with or within the taxpayer's taxable year.

(4) If any part of the investment credit is not applied against the tax liability for the taxable year because of the limitations imposed under subsection (3), the unused portion shall be carried back and carried forward in accordance with the provisions of section 46(b) of the Internal Revenue Code of 1954, as amended, or as section 46(b) may be renumbered or amended.

(5) The investment credit allowed by this section is subject to recapture as provided for in section 47 of the Internal Revenue Code

of 1954, as amended, or as section 47 may be renumbered or amended.""

Renumber: subsequent sections

4. Page 1, line 11.
Following: "allow"
Strike: "individuals, estates, trusts, and"

5. Page 1, line 12.
Following: "businesses"
Strike: remainder of the text through "section" on line 13

6. Page 1, line 14.
Following: "and"
Strike: "thus"

7. Page 1, line 19.
Following: "made"
Insert: ", or one in which at least 50% of the ownership of such business is held, directly or indirectly, by members of the same family. For purposes of this section, "members of the same family" means an individual, his spouse, children, grandchildren, parents, brothers, sisters, and the lineal descendants of each such person or groups of persons."

8. Page 2, line 3.
Following: "~~20% of~~"
Insert: "40% of"
Following: "the"
Strike: "total"

And, as so amended, do pass. Report adopted.

SB 283, introduced bill, be amended as follows:

1. Page 5.
Following: line 9
Insert: "Section 5. Coordination instruction. Senate Bill No. 47, introduced in the 47th legislature, removes livestock, poultry, and the unprocessed products of both from class seven and places them in class six for purposes of property taxation. If Senate Bill No. 47 is passed and approved, then section 1 of this act is to be replaced with the following section:

"Section 1. Section 15-6-136 is amended to read:

"15-6-136. Class six property — description — taxable percentage. (1) Class six property includes:

(a) ~~business inventories as defined in this section~~ livestock and poultry and the unprocessed products of both;

(b) all unprocessed agricultural products on the farm or in storage except,

~~(i)~~ all perishable fruits and vegtables in farm storage and owned by the producer;~~and~~

~~(ii) livestock and poultry and the unprocessed products of both.~~

~~(2)"Business inventories" includes goods intended for sale or lease in the ordinary course of business and raw materials and work in progress with respect to such goods. Business inventories do not include goods leased or rented or mobile homes held by a dealer or~~

~~distributor as part of his stock in trade. The market value of business inventories, for property tax purposes, is the cost to the person subject to the inventory tax.~~

~~(3)~~ (2) Class six property is taxed at 4% of its market value.""""
Renumber: subsequent sections

And, as so amended, do pass. Report adopted.

SB 356, introduced bill, be amended as follows:

1. Title, line 6.
Following: "OF"
Strike: "5"
Insert: "3"

2. Page 2, line 4.
Following: "~~(b) 2.65~~"
Strike: "5%"
Insert: "3%"

3. Page 2, line 15.
Following: "(b)"
Strike: "2.65%"
Insert: "3%"

And, as so amended, do pass. Report adopted.

HB 13, third reading copy, be amended as follows:

1. Title, line 7.
Following: "CASES"
Insert: "AND TO EXTEND THE PERIOD BEFORE A PENALTY MAY BE ASSESSED"
Following: "AMENDING"
Strike: "SECTION"
Insert: "SECTIONS"
Following: "15-1-206,"
Insert: "15-30-142, and 15-30-323,"
Following: "MCA"
Insert: "; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE"

2. Page 1, line 23.
Following: line 22
Strike: "penalty or"

3. Page 1.
Following: line 23
Insert: "(3) Whenever the department is notified of a change in federal taxable income as the result of a federal adjustment or upon filing an amended federal return, as provided for in 15-30-304, the department shall abate the interest on the additional tax liability from the date the department is notified until the department sends the statement of increased tax liability to the taxpayer.

(4) The department may waive or abate interest accrued prior to July 1, 1981, on additional individual income tax liability for tax years beginning after December 31, 1978, and on or before December 31, 1979, due to the refund of Alaska personal income tax during the period January 1, 1980 through December 31, 1980."

Section 2. Section 15-30-142, MCA, is amended to read:

"15-30-142. Returns and payment of tax-penalty and interest-refunds-credits. (1) Every single individual and every married individual not filing a joint return with his or her spouse and having a gross income for the taxable year of more than $940 and married individuals not filing separate returns and having a combined gross income for the taxable year of more than $1,880 shall be liable for a return to be filed on such forms and according to such rules as the department may prescribe. The gross income amounts referred to in the preceding sentence shall be increased by $800 for each additional personal exemption allowance to the taxpayer is entitled to claim for himself and his spouse under 15-30-112(3) and (4). A nonresident shall be required to file a return if his gross income for the taxable year derived from sources within Montana exceeds the amount of the exemption deduction he is entitled to claim for himself and his spouse under the provisions of 15-30-112(2), (3), and (4), as prorated according to 15-30-112(6).

(2) In accordance with his instructions set forth by the department, every taxpayer who is married and living with husband or wife and is required to file a return may, at his or her option, file a joint return with husband or wife even though one of the spouses has neither gross income nor deductions. If a joint return is made, the tax shall be computed on the aggregate taxable income and the liability with respect to the tax shall be joint and several. If a joint return has been filed for a taxable year, the spouses may not file joint returns after the time for filing the return of either has expired unless the department so consents.

(3) If any such taxpayer is unable to make his own return, the return shall be made by a duly authorized agent or by a guardian or other person charged with the care of the person or property of such taxpayer.

(4) All taxpayers, including but not not limited to those subject to the provisions of 15-30-202 and 15-30-241, shall compute the amount of income tax payable and shall, at the time of filing the return required by this chapter, pay to the department any balance of income tax remaining unpaid after crediting the amount withheld as provided by 15-30-202 and/or any payment made by reason of an estimated tax return provided for in 15-30-241, provided, however, the tax so computed is greater by $1 than the amount withheld and/or paid by estimated return as provided in this chapter. If the amount of tax withheld and/or payment of estimated tax exceeds by more than $1 the amount of income tax as computed, the taxpayer shall be entitled to a refund of the excess.

(5) As soon as practical after the return is filed, the department shall examine and verify the tax.

(6) If the amount of tax as verified is greater than the amount theretofore paid, the excess shall be paid by the taxpayer to the department within ~~30~~ 60 days after notice of the amount of the tax as computed, with interest added at the rate of 9% per annum or fraction thereof on the additional tax. In such case there shall be no penalty because of such understatement, provided the deficiency is paid within ~~30~~ 60 days after the first notice of the amount is mailed to the taxpayer."

Section 3. Section 15-30-323, MCA, is amended to read:

"15-30-323. Penalty for deficiency. (1) If payment required by 15-30-142(6) is not made within ~~30~~ 60 days or if the understatement is due to negligence on the part of the taxpayer but without fraud, there shall be added to the amount of the deficiency 5% thereof; provided, however, that no deficiency penalty shall be less than $2. Interest will be computed at the rate of 9% per annum or fraction thereof on the additional assessment. Except as otherwise expressly provided in this subsection, the interest shall in all cases be computed from the date the return and tax were originally due as distinquished from the due date as it may have been extended to the date of payment.

(2) If the time for filing a return is extended, the taxpayer shall pay in addition interest thereon at the rate of 9% per annum from the time when the return was originally required to be filed to the time of payment.

Section 4. Effective date. This act is effective on passage and approval."

And, as so amended, be concurred in. Report adopted.

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Etchart in the Chair.

Senate resumed. President Turnage in the Chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on Second Reading, recommend as follows:

That House Bill No. 202 pass consideration. Unanimously passed.

That House Bill No. 222 be amended. Motion failed by the following vote:

Ayes: Anderson, Berg, Blaylock, B. Brown, S. Brown, Conover, Eck, Halligan, Hazelbaker, Healy, Jacobson, Manning, Mazurek, Norman, Severson, Smith, Stephens, Stimatz, Towe, Van Valkenburg.
Total 20

Noes: Aklestad, Dover, Elliott, Etchart, Goodover, Hafferman, Hager, Hammond, Himsl, Johnson, Keating, Kolstad, Manley, McCallum, Nelson, Ochsner, Olson, Regan, Ryan, Story, Tveit, Mr. President.
Total 22

Excused: Thomas.
Total 1

Absent or not voting: Boylan, Crippen, Galt, Graham, Haffey, Lee, O'Hara.
Total 7

That House Bill No. 222 be concurred in. Motion failed by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, B. Brown, S. Brown, Eck, Goodover, Hager, Halligan, Healy, Jacobson, Kolstad, Manning, Mazurek, Regan, Severson, Smith, Stimatz, Towe, Van Valkenburg.
Total 21

Noes: Boylan, Conover, Dover, Elliott, Etchart, Hafferman, Hammond, Hazelbaker, Himsl, Johnson, Keating, Manley, McCallum, Nelson,

Norman, Ochsner, O'Hara, Olson, Ryan, Stephens, Story, Tveit, Mr. President.
Total 23

Excused: Thomas.
Total 1

Absent or not voting: Crippen, Galt, Graham, Haffey, Lee.
Total 5

That House Bill No. 222 be indefinitely postponed. Motion carried by the following vote:

Ayes: Aklestad, Anderson, Boylan, Conover, Dover, Elliott, Etchart, Hafferman, Hammond, Hazelbaker, Himsl, Johnson, Keating, Manley, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Ryan, Stephens, Story, Tveit, Mr. President.
Total 25

Noes: Berg, Blaylock, B. Brown, S. Brown, Eck, Goodover, Hager, Halligan, Healy, Jacobson, Kolstad, Manning, Mazurek, Regan, Severson, Smith, Stimatz, Towe, Van Valkenburg.
Total 19

Excused: Thomas.
Total 1

Absent or not voting: Crippen, Galt, Graham, Haffey, Lee.
Total 5

That House Bill No. 309 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Towe, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Thomas.
Total 1

Absent or not voting: None.
Total 0

That House Bill No. 330 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Towe, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Thomas.
Total 1

Absent or not voting: None.
Total 0

That House Bill No. 372 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Towe, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Thomas.
Total 1

Absent or not voting: None.
Total 0

That House Bill No. 429, without objection, be moved to the bottom of the board.

That House Bill No. 448 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Ryan, Severson, Smith, Stephens, Stimatz, Story, Towe, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: Regan.
Total 1

Excused: Thomas.
Total 1

Absent or not voting: None.
Total 0

That House Bill No. 479 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Towe, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Thomas.

Total 1

Absent or not voting: None.
Total 0

That House Bill No. 507 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Towe, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Thomas.
Total 1

Absent or not voting: None.
Total 0

That the Committee rise and report and beg leave to sit again. (Etchart, Chairman)

Upon motion of Senator Etchart, duly carried, the foregoing Report of the Committee of the Whole was adopted.

At the request of the President, and without objection, the Senate reverted to Order of Business No. 6.

MOTIONS

Senator Stephens moved, duly carried, that the Senate recess at the hour of 4:19 p.m. until the hour of 4:30 p.m.

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Etchart in the Chair.

Senate resumed. President Turnage in the Chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on Second Reading, recommend as follows:

That House Bill No. 558 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Towe, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Thomas.
Total 1

Absent or not voting: None.
Total 0

That House Bill No. 565 be concurred in. Motion failed by the following vote:

Ayes: Aklestad, Anderson, Dover, Elliott, Goodover, Hafferman, Hager, Hammond, Johnson, Kolstad, Manley, Nelson, Ryan, Stephens, Stimatz, Story, Mr. President.
Total 17

Noes: Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Eck, Etchart, Haffey, Halligan, Hazelbaker, Healy, Himsl, Jacobson, Keating, Manning, Mazurek, Norman, Ochsner, O'Hara, Olson, Regan, Severson, Smith, Towe, Tveit, Van Valkenburg.
Total 27

Excused: Thomas.
Total 1

Absent or not voting: Crippen, Galt, Graham, Lee, McCallum.
Total 5

That House Bill No. 565 be indefinitely postponed. Motion carried by the following vote:

Ayes: Anderson, Berg, Blaylock, B. Brown, S. Brown, Conover, Dover, Eck, Elliott, Etchart, Hafferman, Haffey, Hager, Halligan, Hazelbaker, Healy, Himsl, Jacobson, Keating, Manning, Mazurek, Norman, Ochsner, O'Hara, Olson, Regan, Severson, Smith, Stimatz, Story, Towe, Tveit, Van Valkenburg.
Total 33

Noes: Aklestad, Goodover, Hammond, Johnson, Kolstad, Manley, Nelson, Ryan, Stephens, Mr. President.
Total 10

Excused: Thomas.
Total 1

Absent or not voting: Boylan, Crippen, Galt, Graham, Lee, McCallum.
Total 6

That House Bill No. 624 be amended as follows:

1. Page 5, line 7.
Following: "~~$2~~"
Strike: "$3"
Insert: "$2"

Amendment passed by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Towe, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Thomas.
Total 1

Absent or not voting: None.
Total 0

That House Bill No. 624, as amended, be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Towe, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: Hafferman.
Total 1

Excused: Thomas.
Total 1

Absent or not voting: None.
Total 0

That the Committee rise and report. (Etchart, Chairman)

Upon motion of Senator Etchart, duly carried, the foregoing Report of the Committee of the Whole was adopted.

At the request of the President, and without objection, the Senate reverted to Order of Business No. 2.

REPORTS OF STANDING COMMITTEES

BILLS (O'Hara, Chairman):
Correctly engrossed - SB 126, SB 485, SJR 32. Report adopted.

Signed by the Speaker of the House and President of the Senate, 3/28/81, at the hour of 9:45 a.m., delivered to the Governor for his approval - SB 226, SB 245, SB 275, SB 276, SB 279, SB 284, SB 306, SB 309, SB 312, SB 314, SB 328, SB 336, SB 350, SB 405, SB 407, SB 414, SB 424, SB 427, SB 445. Report adopted.

I have examined Senate Bill No. 83 introduced by me and find the same to be correct. (Mazurek)

I have examined Senate Bill No. 230 introduced by me and find the same to be correct. (Hager)

I have examined Senate Bill No. 232 introduced by me and find the same to be correct. (Stimatz)

I have examined Senate Bill No. 256 introduced by me and find the same to be correct. (Hammond)

I have examined Senate Bill No. 310 introduced by me and find the same to be correct. (S. Brown)

I have examined Senate Bill No. 455 introduced by me and find the same to be correct. (Johnson)

Correctly enrolled - SB 83, SB 230, SB 232, SB 256, SB 310, SB 455. Report adopted.

The Senate will please take note that the President did, at the hour of 11:00 a.m., 3/28/81, sign the following bills:

SB 83, SB 230, SB 232, SB 256, SB 310, SB 455, HB 174, HB 263, HB 264, HB 275, HB 520, HB 613, HB 667, HB 693, HJR 45.

Jean A. Turnage
President

Upon motion of Senator Stephens, duly carried, the Senate adjourned at 5:00 p.m. until Monday, March 30, at the hour of 9:00 a.m.

JEAN A. TURNAGE
President of the Senate

JOHN W. LARSON
Secretary of the Senate

SEVENTIETH LEGISLATIVE DAY

Helena, Montana
March 30, 1981

Senate Chambers
Capitol Building

Senate convened at 9:00 a.m., President Turnage presiding. Invocation by the Chaplain. Pledge of Allegiance to the Flag.

Roll call. All members present except Graham, excused. Quorum present.

Mr. President: We, your Committee on Bills and Journal, having examined the daily journal for the Sixty-ninth Legislative Day, find the same to be correct.

O'HARA, Chairman

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

Senate Bill No. 485 was passed by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Graham.
Total 1

Absent or not voting: None.
Total 0

Senate Joint Resolution No. 32 failed to pass by the following vote:

Ayes: Berg, Blaylock, B. Brown, S. Brown, Conover, Eck, Goodover, Haffey, Halligan, Healy, Jacobson, Kolstad, Lee, Mazurek, Norman, Olson, Regan, Stimatz, Thomas, Towe, Van Valkenburg, Mr. President.
Total 22

Noes: Aklestad, Anderson, Boylan, Crippen, Dover, Elliott, Etchart, Galt, Hafferman, Hager, Hammond, Hazelbaker, Himsl, Johnson, Keating, Manley, Manning, McCallum, Nelson, Ochsner, O'Hara, Ryan, Severson, Smith, Stephens, Story, Tveit.
Total 27

Excused: Graham.
Total 1

Absent or not voting: None.
Total 0

House Bill No. 36 was concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover,

Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Graham.
Total 1

Absent or not voting: None.
Total 0

House Bill No. 90 was concurred in by the following vote:

Ayes: Anderson, Berg, Blaylock, B. Brown, S. Brown, Conover, Crippen, Dover, Etchart, Galt, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manning, Mazurek, McCallum, Norman, Ochsner, O'Hara, Regan, Ryan, Severson, Stephens, Stimatz, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 39

Noes: Aklestad, Boylan, Elliott, Goodover, Manley, Nelson, Olson, Smith, Story.
Total 9

Excused: Graham.
Total 1

Absent or not voting: Eck.
Total 1

House Bill No. 102 was concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Graham.
Total 1

Absent or not voting: None.
Total 0

House Bill No. 161 was concurred in by the following vote:

Ayes: Aklestad, Anderson, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Galt, Goodover, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.

Total 46

Noes: Berg, Etchart, Ryan.
Total 3

Excused: Graham.
Total 1

Absent or not voting: None.
Total 0

House Bill No. 329 was concurred in by the following vote:

Ayes: Aklestad, Anderson, Boylan, Crippen, Dover, Elliott, Etchart, Galt, Goodover, Hafferman, Haffey, Hager, Hammond, Hazelbaker, Healy, Himsl, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Ochsner, O'Hara, Olson, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Tveit, Mr. President.
Total 37

Noes: Berg, Blaylock, B. Brown, S. Brown, Conover, Eck, Halligan, Jacobson, Norman, Regan, Towe, Van Valkenburg.
Total 12

Excused: Graham.
Total 1

Absent or not voting: None.
Total 0

House Bill No. 333 was concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Graham.
Total 1

Absent or not voting: None.
Total 0

House Bill No. 336 was concurred in by the following vote:

Ayes: Aklestad, Anderson, Boylan, B. Brown, S. Brown, Crippen, Dover, Elliott, Etchart, Galt, Goodover, Hafferman, Hager, Hammond, Hazelbaker, Himsl, Johnson, Keating, Kolstad, Lee, Manley, McCallum, Nelson, Ochsner, O'Hara, Olson, Ryan, Severson, Smith, Stephens, Story, Thomas, Tveit, Mr. President.
Total 34

Noes: Berg, Blaylock, Conover, Eck, Haffey, Halligan, Healy, Jacobson, Mazurek, Norman, Regan, Stimatz, Towe, Van Valkenburg.
Total 14

Excused: Graham.

Total 1

Absent or not voting: Manning.
Total 1

House Bill No. 436 was concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Graham.
Total 1

Absent or not voting: None.
Total 0

House Bill No. 555 was concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Graham.
Total 1

Absent or not voting: None.
Total 0

House Bill No. 566 was concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Graham.
Total 1

Absent or not voting: None.
Total 0

House Bill No. 726 was not concurred in by the following vote:

Ayes: Anderson, Boylan, B. Brown, Eck, Elliott, Etchart, Galt, Hafferman, Hager, Himsl, Johnson, Keating, Kolstad, Lee, Manning, McCallum, Norman, Ochsner, Smith, Story, Thomas, Mr. President.
Total 22

Noes: Aklestad, Berg, Blaylock, S. Brown, Conover, Crippen, Dover, Goodover, Haffey, Halligan, Hammond, Hazelbaker, Healy, Jacobson, Manley, Mazurek, Nelson, O'Hara, Olson, Regan, Ryan, Severson, Stephens, Stimatz, Towe, Tveit, Van Valkenburg.
Total 27

Excused: Graham.
Total 1

Absent or not voting: None.
Total 0

House Bill No. 735 was concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 47

Noes: Manley, Ryan.
Total 2

Excused: Graham.
Total 1

Absent or not voting: None.
Total 0

House Bill No. 738 was concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Elliott, Etchart, Galt, Goodover, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: Eck.
Total 1

Excused: Graham.
Total 1

Absent or not voting: None.
Total 0

House Bill No. 766 was concurred in by the following vote:

Ayes: Aklestad, Anderson, Blaylock, Boylan, B. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Hafferman, Haffey, Hager, Hammond, Hazelbaker, Healy, Johnson, Keating, Kolstad, Lee, Manley,

Manning, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Ryan, Severson, Smith, Stephens, Story, Thomas.
Total 37

Noes: Berg, S. Brown, Halligan, Himsl, Jacobson, Mazurek, Regan, Stimatz, Towe, Tveit, Van Valkenburg, Mr. President.
Total 12

Excused: Graham.
Total 1

Absent or not voting: None.
Total 0

House Bill No. 788 was concurred in by the following vote:

Ayes: Aklestad, Anderson, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Hafferman, Hager, Halligan, Hammond, Hazelbaker, Healy, Jacobson, Johnson, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Norman, Ochsner, O'Hara, Regan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 42

Noes: Berg, Haffey, Himsl, Keating, Nelson, Olson, Ryan.
Total 7

Excused: Graham.
Total 1

Absent or not voting: None.
Total 0

House Bill No. 813, being a Constitutional Amendment requiring a two-thirds vote of the Legislature, was returned to the House with the following vote:

Ayes: Aklestad, Anderson, Boylan, Crippen, Dover, Elliott, Etchart, Galt, Goodover, Hager, Hammond, Hazelbaker, Himsl, Manley, McCallum, Nelson, Ochsner, Severson, Smith, Story, Thomas, Tveit.
Total 22

Noes: Berg, Blaylock, B. Brown, S. Brown, Conover, Eck, Hafferman, Haffey, Halligan, Healy, Jacobson, Johnson, Keating, Kolstad, Lee, Manning, Mazurek, Norman, O'Hara, Olson, Regan, Ryan, Stephens, Stimatz, Towe, Van Valkenburg, Mr. President.
Total 27

Excused: Graham.
Total 1

Absent or not voting: None.
Total 0

House Joint Resolution No. 18 was concurred in by the following vote:

Ayes: Aklestad, Anderson, Blaylock, Boylan, B. Brown, Conover, Crippen, Dover, Elliott, Etchart, Galt, Goodover, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Tveit, Mr. President.
Total 44

Noes: Berg, S. Brown, Eck, Towe, Van Valkenburg.
Total 5

Excused: Graham.
Total 1

Absent or not voting: None.
Total 0

House Joint Resolution No. 36 was concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Graham.
Total 1

Absent or not voting: None.
Total 0

House Joint Resolution No. 48 was concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Mr. President.
Total 47

Noes: Ryan, Van Valkenburg.
Total 2

Excused: Graham.
Total 1

Absent or not voting: None.
Total 0

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following House Bill was on 3/30/81, passed and transmitted to the Senate for concurrence:

House Bill No. 860, introduced by Ellerd (73-0)

MOTIONS

Senator Stephens moved that the rules of the Forty-seventh Legislative Session be temporarily suspended to allow House Bill No. 860 to be placed on Second Reading, and advance to Third Reading this day. Motion carried by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl,

Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Graham.
Total 1

Absent or not voting: Van Valkenburg.
Total 1

At the request of the President, and without objection, the Senate reverted to Order of Business No. 2.

REPORTS OF STANDING COMMITTEES

PRINTING (O'Hara, Chairman):
Correctly printed and placed on the members' desks - SB 150, SB 200, SB 252, SB 283, SB 356. Report adopted.

BILLS (O'Hara, Chairman):
Signed by the Speaker of the House and President of the Senate, 3/30/81, at the hour of 8:45 a.m., delivered to the Governor for his approval - SB 83, SB 230, SB 232, SB 256, SB 310, SB 455. Report adopted.

LEGISLATIVE ADMINISTRATION (Kolstad, Chairman):
Respectfully reports as follows:

That the following attaches of the Senate be terminated as of 5:00 p.m. on Saturday, March 28, 1981:

David Olson.....Page
Karen Hanson.....Page
Sarah McDonald.....Page
Ann McKittrick.....Page
Geno Thornquist.....Page
Kevin Nelson.....Page
Max Brehm.....Page
Katie Bickle.....Page
Mary Daniels.....Page

That the following attaches of the Senate be employed as of 8:00 a.m. on Monday, March 30, 1981:

David Badt.....Page
Brenda Bergren.....Page
Karen Beirwagen.....Page
Vickie Burtch.....Page
Russell Volk.....Page
Claire Reeves.....Page
Jodi Micheletti.....Page

Report adopted.

LOCAL GOVERNMENT (McCallum, Chairman):
HB 56, be not concurred in.

Thereupon, the Adverse Committee Report was adopted by the following roll call vote:

Ayes: Aklestad, Anderson, Conover, Elliott, Etchart, Goodover, Hafferman, Hager, Hammond, Hazelbaker, Himsl, Johnson, Keating, Kolstad, Lee, Manley, Manning, McCallum, Nelson, Ochsner, O'Hara, Olson, Severson, Smith, Stephens, Story, Thomas, Tveit, Mr. President.
Total 29

Noes: Berg, Blaylock, Boylan, S. Brown, Crippen, Dover, Eck, Haffey, Halligan, Healy, Jacobson, Mazurek, Norman, Regan, Ryan, Stimatz, Towe, Van Valkenburg.
Total 18

Excused: Graham.
Total 1

Absent or not voting: B. Brown, Galt.
Total 2

HB 57, be not concurred in.

Thereupon, the Adverse Committee Report was adopted by the following roll call vote:

Ayes: Aklestad, Anderson, Boylan, B. Brown, Conover, Dover, Elliott, Etchart, Galt, Goodover, Hafferman, Hager, Hammond, Hazelbaker, Himsl, Johnson, Keating, Kolstad, Lee, Manley, McCallum, Nelson, Ochsner, O'Hara, Olson, Ryan, Severson, Smith, Stephens, Story, Thomas, Tveit, Mr. President.
Total 33

Noes: Berg, Blaylock, S. Brown, Crippen, Eck, Haffey, Halligan, Healy, Jacobson, Mazurek, Norman, Regan, Stimatz, Towe, Van Valkenburg.
Total 15

Excused: Graham.
Total 1

Absent or not voting: Manning.
Total 1

(Including the following pair: Smith, aye - Blaylock, no.)

HB 59, be not concurred in.

Thereupon, the Adverse Committee Report was adopted by the following roll call vote:

Ayes: Aklestad, Anderson, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 46

Noes: Berg, Regan.
Total 2

Excused: Graham.
Total 1

Absent or not voting: Manning.
Total 1

(Including the following pair: Smith, aye - Regan, no.)

HB 295, be not concurred in.

Thereupon, the Adverse Committee Report was adopted by the following roll call vote:

Ayes: Aklestad, Anderson, B. Brown, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Hafferman, Haffey, Hager, Hammond, Hazelbaker, Himsl, Johnson, Keating, Kolstad, Manley, Mazurek, McCallum, Nelson, Ochsner, O'Hara, Olson, Severson, Smith, Stephens, Story, Tveit, Van Valkenburg, Mr. President.
Total 33

Noes: Berg, Blaylock, Boylan, S. Brown, Conover, Halligan, Healy, Jacobson, Lee, Manning, Norman, Regan, Ryan, Stimatz, Thomas, Towe.
Total 16

Excused: Graham.
Total 1

Absent or not voting: None.
Total 0

(Including the following pair: Smith, aye - Ryan, no.)

HB 375, be not concurred in.

Thereupon, the Adverse Committee Report was adopted by the following roll call vote:

Ayes: Aklestad, Anderson, Boylan, B. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Goodover, Hafferman, Hager, Hammond, Hazelbaker, Himsl, Johnson, Keating, Kolstad, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Ryan, Severson, Smith, Stephens, Story, Thomas, Tveit, Mr. President.
Total 36

Noes: Berg, Blaylock, S. Brown, Galt, Haffey, Halligan, Healy, Jacobson, Lee, Regan, Stimatz, Towe, Van Valkenburg.
Total 13

Excused: Graham.
Total 1

Absent or not voting: None.
Total 0

(Including the following pair: Smith, aye - S. Brown, no.)

HB 575, be not concurred in.

Thereupon, the Adverse Committee Report was adopted by the following roll call vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Elliott, Etchart, Galt, Goodover, Hafferman, Haffey, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, Olson, Severson, Smith, Stephens, Stimatz, Story, Thomas, Tveit, Mr. President.
Total 41

Noes: Eck, Hager, Lee, O'Hara, Regan, Ryan, Towe, Van Valkenburg.
Total 8

Excused: Graham.

Total 1

Absent or not voting: None.
Total 0

(Including the following pair: Smith, aye - Towe, no.)

Minority Report

HB 594, be concurred in. Report adopted.

Thereupon, the Minority Committee Report was adopted by the following roll call vote:

Ayes: Anderson, Berg, Blaylock, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Haffey, Hager, Halligan, Healy, Jacobson, Johnson, Keating, Lee, Manning, Mazurek, Norman, O'Hara, Olson, Regan, Ryan, Stimatz, Towe, Tveit, Van Valkenburg.
Total 29

Noes: Aklestad, Boylan, Etchart, Galt, Goodover, Hafferman, Hammond, Hazelbaker, Himsl, Kolstad, Manley, McCallum, Nelson, Ochsner, Severson, Smith, Stephens, Story, Thomas, Mr. President.
Total 20

Excused: Graham.
Total 1

Absent or not voting: None.
Total 0

Majority Report

HB 594, be not concurred in. Report not adopted.

Minority Report

HB 715, be concurred in. Report not adopted.

Thereupon, the Minority Committee Report was not adopted by the following roll call vote:

Ayes: Berg, Blaylock, B. Brown, S. Brown, Dover, Eck, Haffey, Hager, Halligan, Mazurek, Norman, Regan, Ryan, Towe, Van Valkenburg.
Total 15

Noes: Aklestad, Conover, Crippen, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, McCallum, Nelson, Ochsner, O'Hara, Olson, Severson, Smith, Stephens, Stimatz, Story, Thomas, Tveit, Mr. President.
Total 33

Excused: None.
Total 0

Absent or not voting: Anderson, Boylan.
Total 2

Majority Report

HB 715, be not concurred in.

Thereupon, the Majority Committee Report was adopted by the following roll call vote:

Ayes: Aklestad, Anderson, Boylan, Conover, Crippen, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manning, McCallum, Nelson, Ochsner, O'Hara, Olson, Severson, Smith, Stephens, Stimatz, Story, Thomas, Tveit, Mr. President.
Total 35

Noes: Berg, Blaylock, B. Brown, S. Brown, Dover, Eck, Hager, Halligan, Mazurek, Norman, Regan, Ryan, Towe, Van Valkenburg.
Total 14

Excused: None.
Total 0

Absent or not voting: Manley.
Total 1

FINANCE AND CLAIMS (Himsl, Chairman):
HB 727, be not concurred in.

Thereupon, the Adverse Committee Report was adopted by the following roll call vote:

Ayes: Aklestad, Anderson, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Hammond, Hazelbaker, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manning, Mazurek, McCallum, Nelson, Ochsner, O'Hara, Olson, Ryan, Severson, Smith, Stephens, Story, Thomas, Tveit, Mr. President.
Total 37

Noes: Berg, Blaylock, Eck, Haffey, Halligan, Healy, Norman, Regan, Stimatz, Towe, Van Valkenburg.
Total 11

Excused: None.
Total 0

Absent or not voting: Hager, Manley.
Total 2

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following Senate Joint Resolutions were on 3/28/81, concurred in and returned to the Senate:

Senate Joint Resolution No. 11, introduced by B. Brown (85-7)

Senate Joint Resolution No. 16, introduced by Committee on Agriculture (93-0).

Senate Joint Resolution No. 18, introduced by Committee on Agriculture (89-4)

The following Senate Bills were on 3/28/81, concurred in and returned to the Senate:

Senate Bill No. 124, introduced by Thomas (93-0)

Senate Bill No. 193, introduced by Haffey (89-4)

Senate Bill No. 195, introduced by Haffey (94-0)

Senate Bill No. 217, introduced by S. Brown (93-0)

Senate Bill No. 273, introduced by Hazelbaker (54-41)

Senate Bill No. 400, introduced by Halligan (94-0)

Senate Bill No. 461, introduced by Committee on Taxation (81-15)

Senate Bill No. 462, introduced by Hager (93-0)

The following Senate Bills were on 3/28/81, concurred in as amended, and returned to the Senate for concurrence in House Amendments:

Senate Bill No. 162, introduced by Mazurek (79-14)

Senate Bill No. 320, introduced by Halligan (77-16)

Senate Bill No. 342, introduced by S. Brown (69-24)

Senate Bill No. 370, introduced by M. Anderson (59-35)

Senate Bill No. 390, introduced by Himsl (91-3)

Senate Bill No. 391, introduced by Himsl (90-4)

Senate Bill No. 398, introduced by S. Brown (81-11)

Senate Bill No. 418, introduced by Ochsner (90-0)

Senate Bill No. 428, introduced by Keating (65-28)

Senate Bill No. 481, introduced by Story (91-1)

Senate Bill No. 321, introduced by Halligan (78-6)

Senate Bill No. 278, introduced by Graham (49-42)

The following House Bills were on 3/28/81, passed and transmitted to the Senate for concurrence:

House Bill No. 155, introduced by Nordtvedt (77-9)

House Bill No. 655, introduced by Anderson (84-2)

The following House Joint Resolution was on 3/28/81, passed and transmitted to the Senate for concurrence:

House Joint Resolution No. 46, introduced by Williams (63-21)

FIRST READING OF BILLS

The following Senate Joint Resolution was introduced, read first time and referred to committee:

SJR 34, introduced by Senate Public Health Committee, Hager, Chairman. Referred to Committee on Public Health, Welfare and Safety.

The following House bills were introduced, read first time and referred to committees:

HB 155, introduced by Nordtvedt. Referred to Committee on Taxation.
HB 655, introduced by Anderson. Referred to Committee on Finance and Claims.
HB 860, introduced by Ellerd. Referred to Committee on Agriculture, Livestock and Irrigation.

The following House Joint Resolution was introduced, read first time and referred to committee:

HJR 46, introduced by Williams, Bengston, Donaldson, Kolstad, Meyer, Schultz, Harrington, Menahan, Quilici, Lee, Daily, McCallum, Ochsner, E. Smith, S. Brown, M. Anderson, Etchart, J. Jacobson,

Healy, Haffey, Stimatz, Van Valkenburg, Thomas, Johnson. Referred to Committee on Education and Cultural Resources.

At the request of the President, and without objection, the Senate reverted to Order of Business No. 2

REPORTS OF STANDING COMMITTEES

AGRICULTURE, LIVESTOCK AND IRRIGATION (Galt, Chairman):
HB 860, be concurred in. Report adopted.

MOTIONS

Senator Stephens moved, duly carried, that the Joint Rules of the Forty-seventh Legislative Session be temporarily suspended in order to place House Bill No. 860 at the top of the board for Second Reading this day.

Senator Blaylock moved, duly carried, that a Statement of Intent be attached to Senate Bill No. 355.

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Boylan in the Chair.

Senate resumed. President Turnage in the Chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on Second Reading, recommend as follows:

That House Bill No. 860 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

That the Committee rise and report and beg leave to sit again. (Boylan, Chairman)

Upon motion of Senator Boylan, duly carried, the foregoing Report of the Committee of the Whole was adopted.

At the request of the President, and without objection, the Senate reverted to Order of Business No. 6.

MOTIONS

Senator Stephens moved that the Joint Rules of the Forty-seventh Legislative Session be temporarily suspended in order to place House Bill No. 860 on Third Reading this day. Motion carried by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham,

Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

THIRD READING OF BILLS

The following bill having been read three several times, title and history agreed to, was disposed of in the following manner:

House Bill No. 860 was concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

At the request of the President, and without objection, the Senate reverted to Order of Business No. 8.

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Boylan in the Chair.

Senate resumed. President Turnage in the Chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on Second Reading, recommend as follows:

That House Bill No. 179 be amended. Motion failed by the following vote:

Ayes: Aklestad, Anderson, Berg, S. Brown, Dover, Eck, Galt, Graham, Haffey, Hager, Healy, Jacobson, Mazurek, Nelson, Regan, Story, Towe, Van Valkenburg.
Total 18

Noes: Blaylock, Crippen, Elliott, Etchart, Goodover, Hafferman, Hammond, Hazelbaker, Himsl, Johnson, Kolstad, Lee, Manley, McCallum,

Norman, Ochsner, O'Hara, Olson, Ryan, Severson, Smith, Stimatz, Thomas, Tveit.
Total 24

Excused: None.
Total 0

Absent or not voting: Boylan, B. Brown, Conover, Halligan, Keating, Manning, Stephens, Mr. President.
Total 8

That House Bill No. 179 be amended. Motion failed by the following vote:

Ayes: Berg, Blaylock, S. Brown, Conover, Crippen, Eck, Galt, Haffey, Hager, Halligan, Healy, Himsl, Jacobson, Mazurek, Nelson, Regan, Stimatz, Story, Towe, Mr. President.
Total 20

Noes: Aklestad, Anderson, B. Brown, Dover, Elliott, Etchart, Goodover, Graham, Hafferman, Hammond, Hazelbaker, Johnson, Kolstad, Lee, Manley, McCallum, Ochsner, O'Hara, Olson, Severson, Smith, Stephens, Thomas, Tveit.
Total 24

Excused: None.
Total 0

Absent or not voting: Boylan, Keating, Manning, Norman, Ryan, Van Valkenburg.
Total 6

That House Bill No. 179 be concurred in by the following vote:

Ayes: Aklestad, Berg, Blaylock, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg.
Total 44

Noes: Manley.
Total 1

Excused: None.
Total 0

Absent or not voting: Anderson, Boylan, Etchart, Manning, Mr. President.
Total 5

That House Bill No. 200 be amended. Motion failed by the following vote:

Ayes: Aklestad, Boylan, Conover, Dover, Elliott, Etchart, Goodover, Hafferman, Hammond, Johnson, Kolstad, Lee, Manley, Nelson, Ochsner, O'Hara, Ryan, Smith, Stephens, Story, Tveit.
Total 21

Noes: Anderson, Berg, Blaylock, B. Brown, S. Brown, Crippen, Eck, Galt, Graham, Haffey, Hager, Halligan, Hazelbaker, Healy, Himsl, Jacobson, Keating, Manning, Mazurek, Olson, Regan, Severson, Stimatz, Thomas, Towe, Van Valkenburg, Mr. President.

Total 27

Excused: None.
Total 0

Absent or not voting: McCallum, Norman.
Total 2

That House Bill No. 200 be amended as follows:

That the following amendment of the Senate Standing Committee on Fish and Game of March 26, 1981, be stricken:

3. Page 3, line 3.
Strike: "$6"
Insert: "$7"

Amendment passed by the following vote:

Ayes: Aklestad, Boylan, Dover, Elliott, Etchart, Goodover, Graham, Hafferman, Hager, Hammond, Keating, Kolstad, Lee, Manley, Manning, McCallum, Nelson, Ochsner, Olson, Ryan, Smith, Stephens, Story, Tveit.
Total 24

Noes: Anderson, Berg, Blaylock, B. Brown, S. Brown, Crippen, Eck, Galt, Haffey, Halligan, Hazelbaker, Healy, Himsl, Jacobson, Mazurek, Norman, Regan, Severson, Stimatz, Thomas, Towe, Van Valkenburg.
Total 22

Excused: None.
Total 0

Absent or not voting: Conover, Johnson, O'Hara, Mr. President.
Total 4

That House Bill No. 200 be amended. Motion failed by the following vote:

Ayes: Aklestad, Boylan, Conover, Dover, Elliott, Etchart, Goodover, Graham, Hafferman, Hager, Hammond, Keating, Kolstad, Manley, McCallum, Ochsner, Ryan, Smith, Stephens, Stimatz, Story, Tveit, Mr. President.
Total 23

Noes: Anderson, Berg, Blaylock, B. Brown, S. Brown, Crippen, Eck, Galt, Haffey, Halligan, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Lee, Mazurek, Nelson, Norman, O'Hara, Olson, Regan, Severson, Thomas, Towe, Van Valkenburg.
Total 26

Excused: None.
Total 0

Absent or not voting: Manning.
Total 1

That House Bill No. 200, as amended, be concurred in by the following vote:

Ayes: Anderson, Berg, Blaylock, B. Brown, S. Brown, Crippen, Eck, Etchart, Galt, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Lee, Mazurek, McCallum, Nelson, Norman, O'Hara, Regan, Severson, Stephens, Stimatz, Story, Thomas, Towe, Van Valkenburg, Mr. President.

Total 35

Noes: Aklestad, Boylan, Conover, Dover, Elliott, Goodover, Hafferman, Kolstad, Manley, Ochsner, Olson, Ryan, Smith, Tveit.
Total 14

Excused: None.
Total 0

Absent or not voting: Manning.
Total 1

That the Committee rise and report. (Boylan, Chairman)

Upon motion of Senator Boylan, duly carried, the foregoing Report of the Committee of the Whole was adopted.

At the request of the President, and without objection, the Senate reverted to Order of Business No. 2.

REPORTS OF STANDING COMMITTEES

I have examined Senate Bill No. 110 introduced by me and find the same to be correct. (Story)

I have examined Senate Bill No. 137 introduced by me and find the same to be correct. (Johnson)

I have examined Senate Bill No. 330 introduced by me and find the same to be correct. (Himsl)

I have examined Senate Bill No. 368 introduced by me and find the same to be correct. (Elliott)

BILLS (O'Hara, Chairman):
Correctly enrolled - SB 110, SB 137, SB 330, SB 368. Report adopted.

The Senate will please take note that the President did, at the hour of 2:00 p.m., 3/30/81, sign the following bills:
SB 110, SB 137, SB 330, SB 368, HB 635, HB 789, HB 860, HJR 27, HJR 33.

Jean A. Turnage
President

MOTIONS

Senator Stephens moved, duly carried, that the Senate stand in recess at the hour of 12:03 p.m. until the hour of 1:30 p.m. out of respect to the President.

Senator Stephens moved, duly carried, that the Senate stand in recess at the hour of 1:35 p.m. until the hour of 2:30 p.m. Chaplain Lokensgard prayed for the health of the President.

Senator Stephens moved that the Joint Rule 6-34 of the Joint Rules of the Forty-seventh Legislative Session be temporarily suspended to permit the transmission and receipt of amended non-revenue bills until the Seventy-first Legislative Day, and the transmission and receipt of appropriation and revenue bills through the Seventy-fifth Legislative Day (April 4). Motion carried by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Goodover, Graham, Hafferman, Haffey, Halligan, Hammond, Hazelbaker, Healy, Himsl,

Jacobson, Johnson, Keating, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Thomas, Tveit, Van Valkenburg, Mr. President.
Total 44

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: Galt, Hager, Kolstad, Lee, Story, Towe.
Total 6

Upon motion of Senator Stephens, duly carried, the Senate adjourned at 2:38 p.m. until Tuesday, March 31, at the hour of 11:00 a.m.

JEAN A. TURNAGE
President of the Senate

JOHN W. LARSON
Secretary of the Senate

SEVENTY-FIRST LEGISLATIVE DAY

Helena, Montana
March 31, 1981

Senate Chambers
Capitol Building

Senate convened at 11:00 a.m., President Turnage presiding. Invocation by the Chaplain. Pledge of Allegiance to the Flag.

Roll call. All members present. Quorum present.

Mr. President: We, your Committee on Bills and Journal, having examined the daily journal for the Seventieth Legislative Day, find the same to be correct.

O'HARA, Chairman

REPORTS OF STANDING COMMITTEES

TAXATION (Goodover, Chairman):
SB 383, do pass. Report adopted.

JUDICIARY (Anderson, Chairman):
HB 713, third reading copy, be amended as follows:

1. Title, lines 4 through 9.
Following: "TO" on line 4
Strike: the remainder of the title
Insert: "ALLOW BINDING ARBITRATION AGREEMENTS RELATING TO CERTAIN MATTERS ON CONSTRUCTION AND LEASING WRITTEN AGREEMENTS; AMENDING SECTIONS 27-1-412 AND 28-2-708, MCA."

2. Page 1, line 12 through line 5 on page 12.
Strike: Sections 1 through 21 in their entirety
Renumber: subsequent sections

3. Page 12, line 14.
Following: "~~arbitration;~~"
Insert: "(3) (i) an agreement to submit a controversy to arbitration;

(ii) except that a written agreement to submit to arbitration any existing or future controversy arising out of a written contract for construction or written commercial leasing agreements wherein the lease rental exceeds $10,000 in any one year is and shall be valid and enforceable and irrevocable, save upon such grounds as exist at law or in equity for the revocation of any contract, provided that (ii) shall have no application to personal injury or tort matters, employer-employee disputes, nor to any insured or beneficiary under any insurance policy or annuity contract.

(iii) any agreement to arbitrate under this paragraph shall be arbitrated in Montana and shall be enforceable only in the courts of Montana and in the manner set forth in Title 27, Chapter 5, MCA."
Renumber: subsequent sections

4. Page 13, line 5 through line 6.
Following: "under [" on line 5
Strike: line 5 through "21" on line 6
Insert: "section 22"

5. Page 13, line 7 through line 18 on page 14.
Strike: Sections 24 through 28 in their entirety

And, as so amended, be concurred in. Report adopted.

TAXATION (Goodover, Chairman):
HB 92, be concurred in. Report adopted.

Statement of Intent, HB 92, be concurred in. Report adopted.

HB 223, third reading copy, be amended as follows:

1. Title, line 7.
Following: "RESEARCH"
Insert: "FROM 5 PERCENT TO 4 ½ PERCENT"

2. Title, line 8.
Following: "~~PERCENT~~"
Strike: "A PORTION"
Insert: "½ OF 1 PERCENT"

3. Page 3, line 4.
Following: "~~3%~~"
Strike: "4%"
Insert: "4 ½%"

4. Page 4, line 9.
Following: "(J)"
Strike: "1%"
Insert: "½ of 1%"

5. Page 5, line 7.
Following: "MILL"
Strike: "LEVELS"
Insert: "levies"

And, as so amended, be concurred in. Report adopted.

MESSAGES FROM THE GOVERNOR

March 30, 1981

The Honorable Jean A. Turnage
President of the Senate
State Capitol
Helena, Montana 59620

The Honorable Robert L. Marks
Speaker of the House
State Capitol
Helena, Montana 59620

Dear Senator Turnage and Representative Marks:

In accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby return Senate Bill No. 78, "AN ACT TO REVISE THE DETERMINATION OF DISTANCE LIMITATIONS FOR THE ISSUANCE OF A LIQUOR LICENSE; EXCEPTING LICENSES ALREADY ISSUED; AND AMENDING SECTIONS 16-1-106, 16-4-105, 16-4-201, AND 16-4-501, MCA," without my signature and recommend the attached amendments for the following reasons.

The five mile distance from an incorporated city is currently measured in a straight line from the nearest entrance of the premise to be licensed to the nearest boundary of an incorporated city. Senate Bill No. 78, changes the distance measurements as follows: the five mile distance

from an incorporated city will be measured over the shortest public road or highway from the nearest entrance of the premise to be licensed to the nearest boundary of such incorporated city.

The effect of Senate Bill No. 78 is that it removes all distance limitations determining how near to an incorporated city or county an all beverage or on-premise beer licensee may locate his premise. If the distance from the nearest entrance of the premise to the nearest boundary of an incorporated city is greater than five miles, via the shortest road or highway, a license may be issued.

The proposed amendment to Section 6 would ensure that the provisions of Sections 2 through 5 of the Act do not apply to and would not alter the classification of those previously issued licenses or effect their renewability so as long as the licensees remain in their existing premises. In addition, the amendment will ensure that all licenses issued after the effective date of Senate Bill No. 78, retain their original status even though shorter public roads or highways may be constructed after the original issuance of the license.

I urge your concurrence in these amendments.

Sincerely,

TED SCHWINDEN
Governor

PROPOSED GOVERNOR'S AMENDMENTS TO SENATE BILL NO. 78

1. Page 15, lines 20 through 24.
Following: "6." on line 20
Strike: the remainder of lines 20 through 24 in their entirety
Insert: "Effect on licenses. (1) With respect to any retail beer or all-beverage license for on-premise consumption, that has been issued prior to the effective date of this act, the provisions of (sections 2 through 5) do not affect:

(a) the validity of the license or its reissuance for the same premise or;

(b) the status of the license as a city or county license so long as the premise is not relocated.

(2) With respect to any retail beer or all-beverage license for on-premise consumption, issued on or after the effective date of this act, the validity of the license or any reissuance of the license shall not be affected by the construction of a public road or highway occurring after the date the license is originally issued."

March 30, 1981

The Honorable Jean A. Turnage
President of the Senate
State Capitol
Helena, Montana 59620

The Honorable Robert L. Marks
Speaker of the House
State Capitol
Helena, Montana 59620

Dear Senator Turnage and Representative Marks:

In accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby return House Bill No. 201, "AN ACT DIRECTING THE DEPARTMENT OF REVENUE TO COMPILE AND PUBLISH ANNUALLY INFORMATION OBTAINED FROM THE REALTY TRANSFER ACT AND TO REQUIRE THE DEPARTMENT OF REVENUE TO PROVIDE INFORMATION TO INDIVIDUAL TAXPAYERS CONCERNING THE VALUATION OF PROPERTIES COMPARABLE TO THEIR OWN; AMENDING SECTION 15-7-308, MCA," without my signature and recommend the attached amendments for the following reasons.

In its present form, the bill requires annual publication, by April 15, of a sales ratio study containing comparisons of the assessed value and sales price of real estate in the various counties and cities in the state from information obtained from realty transfer certificates. The Department would not have data for all areas of the state by April 15. Changing the publication date of July 1 would permit the Department to use more complete data and would result in a more valuable study.

In subsection 3, the bill requires the Department to provide taxpayers with sales and assessment data for comparable property when the taxpayer appeals an assessment. This requirement will necessitate additional personnel and additional salaries, neither of which have been provided for in the bill. It is estimated that the cost would be between $300,000 and $500,000 per biennium.

Providing that this requirement will not become effective until January 1, 1986, will allow sufficient time for the logistics of providing this service to be adequately addressed.

I urge your concurrence in these amendments.

Sincerely,

TED SCHWINDEN
Governor

PROPOSED GOVERNOR'S AMENDMENTS TO HOUSE BILL NO. 201

1. Page 1, line 7.
Following: "Revenue"
Insert: ","

2. Page 1, line 7.
Following: "REVENUE"
Insert: "AFTER JANUARY 1, 1986,"

3. Page 2, line 1.
Following: "than"
Strike: "April 15"
Insert: "July 1"

4. Page 2, line 5.
Following: "(3)"
Strike: "A"
Insert: "After January 1, 1986, a"

March 30, 1981

The Honorable Jean A. Turnage

President of the Senate
State Capitol
Helena, Montana 59620

The Honorable Robert L. Marks
Speaker of the House
State Capitol
Helena, Montana 59620

Dear Senator Turnage and Representative Marks:

In accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby return House Bill 593, "AN ACT TO AUTHORIZE THE GOVERNOR TO NEGOTIATE WITH OTHER STATES TO ESTABLISH AGREEMENTS FOR SUBMITTING APPLICATION TO THE RAIL PASSENGER CORPORATION FOR INSTITUTION OF RAIL PASSENGER SERVICE IN THE STATE OF MONTANA," without my signature and recommend the attached amendment for the following reasons.

The reference to Section 403(b), although unstated, is the Public Law citation. This reference is unnecessary since that Public Law section has been codified as Section 563(b) in the Rail Passenger Service Act. Two different citations to the same substantive section are unnecessary and confusing.

For clarification, I am proposing to delete the reference to section 403(b) in HB 593.

I urge your concurrence in this amendment.

Sincerely,

TED SCHWINDEN
Governor

PROPOSED GOVERNOR'S AMENDMENT TO HOUSE BILL NO. 593

1. Page 1, line 20.
Following: "provisions"
Strike: "of section 403(b)"

March 30, 1981

The Honorable Jean A. Turnage
President of the Senate
State Capitol
Helena, Montana 59620

The Honorable Robert L. Marks
Speaker of the House
State Capitol
Helena, Montana 59620

Dear Senator Turnage and Representative Marks:

In accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby return House Bill No. 632, "AN ACT TO REQUIRE FORMULATION OF A COUNTY ALCOHOL TREATMENT AND PREVENTION PLAN ANNUALLY; AMENDING SECTION 53-24-211, MCA," without my signature and recommend the attached amendment for the following reasons.

House Bill No. 632, as adopted, allows a county to submit an alcohol treatment and prevention plan to the Department of Institutions by January 1 of each year. In Section 4 of the bill, the Department is prohibited from distributing money to a county after December 31, if the county has not submitted its plan. The use of December 31, in Section 4, creates an uncertainty in the bill since it does not coincide with the January 1 date.

It appears that the inclusion of the December 31 date in the original law was necessary from an accounting standpoint which is no longer applicable.

The uncertainty created by the continued use of the December 31 date can be eliminated by changing that date to January 1.

I urge your concurrence in this amendment.

Sincerely,

TED SCHWINDEN
Governor

PROPOSED GOVERNOR'S AMENDMENT TO HOUSE BILL NO. 632

1. Page 2, line 1.
Following: "after"
Strike: "December 31"
Insert: "January 1"

March 30, 1981

The Honorable Jean A. Turnage
President of the Senate
State Capitol
Helena, Montana 59620

Dear Mr. President:

This is to inform you that I have signed the following measures this date:

Senate Bill Nos. 112, 173, 26, 164, 159, 134, 187, 215.

Sincerely,

TED SCHWINDEN
Governor

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The House on 3/30/81, on Third Reading, adopted Governor's Amendments to the following Senate Bill and returned said bill to the Senate:

Senate Bill No. 166, introduced by Smith (94-0)

The following Senate Bill was on 3/30/81, on Second Reading, not concurred in and returned to the Senate:

Senate Bill No. 243, introduced by Graham

The House on 3/30/81, on Third Reading, adopted the following Free Conference Committee Report:

Free Conference Committee Report on Senate Bill No. 15, introduced by Mazurek (75-0)

The following Senate Bill was on 3/30/81, on Standing Committee Report, not concurred in and returned to the Senate:

Senate Bill No. 285, introduced by Story

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

House Bill No. 12 was concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

House Bill No. 17 was concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: Galt.
Total 1

House Bill No. 25 was concurred in by the following vote:

Ayes: Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Van Valkenburg, Mr. President.
Total 47

Noes: Aklestad, Nelson, Tveit.
Total 3

Excused: None.

Total 0

Absent or not voting: None.
Total 0

House Bill No. 48 was concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: Blaylock.
Total 1

House Bill No. 58 was concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

House Bill No. 97 was concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

House Bill No. 127 was concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Elliott, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 46

Noes: Blaylock, Eck, Regan.
Total 3

Excused: None.
Total 0

Absent or not voting: Etchart.
Total 1

House Bill No. 152 was concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Kolstad, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, Olson, Regan, Ryan, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 44

Noes: Dover, Keating, Lee, Manley, O'Hara, Severson.
Total 6

Excused: None.
Total 0

Absent or not voting: None.
Total 0

House Bill No. 179 was concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, B. Brown, S. Brown, Conover, Crippen, Eck, Elliott, Etchart, Galt, Goodover, Hafferman, Haffey, Hager, Halligan, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Manning, Mazurek, McCallum, Nelson, Ochsner, O'Hara, Olson, Regan, Ryan, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 41

Noes: Boylan, Dover, Graham, Hammond, Kolstad, Lee, Manley, Norman, Severson.
Total 9

Excused: None.
Total 0

Absent or not voting: None.
Total 0

House Bill No. 192 was not concurred in by the following vote:

Ayes: Aklestad, B. Brown, Elliott, Galt, Goodover, Hager, Hazelbaker, Healy, Himsl, Kolstad, Lee, Manning, O'Hara, Severson, Smith, Stephens, Towe, Tveit, Mr. President.
Total 19

Noes: Anderson, Berg, Blaylock, Boylan, S. Brown, Conover, Crippen, Dover, Eck, Etchart, Graham, Hafferman, Haffey, Halligan, Hammond, Jacobson, Johnson, Keating, Manley, Mazurek, McCallum, Nelson, Norman, Ochsner, Olson, Regan, Ryan, Stimatz, Story, Thomas, Van Valkenburg.
Total 31

Excused: None.
Total 0

Absent or not voting: None.
Total 0

House Bill No. 200 was concurred in by the following vote:

Ayes: Anderson, Berg, Blaylock, B. Brown, S. Brown, Crippen, Eck, Etchart, Galt, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Kolstad, Manning, Mazurek, McCallum, Norman, O'Hara, Regan, Severson, Stephens, Stimatz, Story, Thomas, Towe, Van Valkenburg, Mr. President.
Total 34

Noes: Aklestad, Boylan, Conover, Dover, Elliott, Goodover, Hafferman, Keating, Lee, Manley, Nelson, Ochsner, Olson, Ryan, Smith, Tveit.
Total 16

Excused: None.
Total 0

Absent or not voting: None.
Total 0

House Bill No. 212 was concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Mr. President.
Total 48

Noes: Van Valkenburg.
Total 1

Excused: None.
Total 0

Absent or not voting: Blaylock.
Total 1

House Bill No. 309, being a Constitutional Amendment requiring a two-thirds vote of the Legislature, was sent to the House with the following roll call vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Manning, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Severson, Smith, Stephens, Stimatz, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 45

Noes: Lee, Manley, Mazurek, Ryan, Story.

Total 5

Excused: None.
Total 0

Absent or not voting: None.
Total 0

House Bill No. 316 was concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 46

Noes: Boylan, Galt, Manley, Ryan.
Total 4

Excused: None.
Total 0

Absent or not voting: None.
Total 0

House Bill No. 330 was concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

House Bill No. 372 was concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: Goodover, Manley.
Total 2

Excused: None.
Total 0

Absent or not voting: None.

Total 0

House Bill No. 442 was concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

House Bill No. 445 was concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

House Bill No. 448 was concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, Conover, Crippen, Dover, Eck, Elliott, Etchart, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, McCallum, Nelson, Norman, Ochsner, O'Hara, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg.
Total 42

Noes: B. Brown, S. Brown, Galt, Hazelbaker, Mazurek, Olson, Regan, Mr. President.
Total 8

Excused: None.
Total 0

Absent or not voting: None.
Total 0

House Bill No. 479 was concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: Manning.
Total 1

House Bill No. 507 was concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Smith, Stephens, Stimatz, Story, Thomas, Towe, Van Valkenburg, Mr. President.
Total 45

Noes: Hafferman, Kolstad, Lee, Severson, Tveit.
Total 5

Excused: None.
Total 0

Absent or not voting: None.
Total 0

House Bill No. 558 was concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: Boylan.
Total 1

House Bill No. 624 was concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Eck, Elliott, Etchart, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Johnson, Keating, Kolstad, Lee, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner,

O'Hara, Olson, Regan, Smith, Stephens, Story, Thomas, Towe, Van Valkenburg, Mr. President.
Total 42

Noes: Dover, Hafferman, Jacobson, Manley, Ryan, Severson, Stimatz, Tveit.
Total 8

Excused: None.
Total 0

Absent or not voting: None.
Total 0

House Bill No. 770 was concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

At the request of the President, and without objection, the Senate reverted to Order of Business No. 6.

MOTIONS

Senator Anderson moved that the Joint Rules of the Forty-seventh Legislative Session be temporarily suspended in order to place House Bill No. 713 on Second and Third Reading this day. Motion carried by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: Dover.
Total 1

Senator Manley moved that House Bill No. 176 be taken from the Taxation Committee and placed on Second Reading this day. Motion carried by the following vote:

Ayes: Aklestad, Berg, Boylan, S. Brown, Conover, Eck, Elliott, Etchart, Graham, Hafferman, Haffey, Halligan, Healy, Jacobson, Keating, Lee, Manley, Manning, Mazurek, Ochsner, Regan, Ryan, Severson, Stimatz, Story, Thomas, Towe, Tveit.
Total 28

Noes: Anderson, Blaylock, B. Brown, Crippen, Dover, Galt, Goodover, Hager, Hammond, Hazelbaker, Himsl, Johnson, Kolstad, McCallum, Nelson, O'Hara, Olson, Smith, Stephens, Van Valkenburg, Mr. President.
Total 21

Excused: None.
Total 0

Absent or not voting: Norman.
Total 1

Senator Ryan moved that the Senate reconsider its action taken in adopting the Adverse Committee Report on House Bill No. 295 on March 30, and that it be placed on Second Reading this day. Motion failed by the following vote:

Ayes: Berg, Boylan, Conover, Galt, Hafferman, Halligan, Healy, Jacobson, Lee, Manley, McCallum, Norman, Regan, Ryan, Stimatz, Thomas, Towe.
Total 17

Noes: Aklestad, Anderson, B. Brown, S. Brown, Crippen, Dover, Eck, Elliott, Etchart, Goodover, Graham, Haffey, Hager, Hammond, Hazelbaker, Himsl, Johnson, Keating, Kolstad, Mazurek, Nelson, Ochsner, O'Hara, Olson, Severson, Smith, Story, Tveit, Van Valkenburg.
Total 29

Excused: None.
Total 0

Absent or not voting: Blaylock, Manning, Stephens, Mr. President.
Total 4

Senator Smith moved, duly carried, that the Senate recess at the hour of 11:59 a.m. until the hour of 1:30 p.m.

Senator Stephens moved, duly carried, that the Senate recess at the hour of 1:32 p.m. until the hour of 2:15 p.m.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Senator Boylan in the Chair.

Senate resumed. President Turnage in the Chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on Second Reading, recommend as follows:

That House Bill No. 202 be amended as follows:

That the following amendment of the Senate Standing Committee on Local Government of March 26, 1981, be amended to read as follows:

5. Page 4.
Following: line 17
Insert: "Section 2. Section 50-60-102, MCA, is amended to read:

"50-60-102. Applicability. (1) ~~Outside municipalities and their jurisdictional area, as defined by 50-60-101(9), parts 1 through 4 apply~~

~~to "public places", as defined in 50-60-101(11)~~ The state building codes do not apply to residential buildings containing less than five dwelling units or their attached-to structures, any farm or ranch building, and any private garage or private storage structure used only for the owners own use, located within the municipality's or county's jurisdictional area, and the state may not enforce the state building code under 50-60-205 for those buildings.""

Subsections (2) and (3) remain without change.

Amendment passed by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

That House Bill No. 202, as amended, be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

That House Bill No. 646 be amended. Motion failed by the following vote:

Ayes: Berg, Blaylock, S. Brown, Conover, Eck, Hafferman, Haffey, Halligan, Healy, Jacobson, Mazurek, Regan, Ryan, Stimatz, Towe, Van Valkenburg.
Total 16

Noes: Aklestad, Anderson, Boylan, B. Brown, Crippen, Dover, Elliott, Galt, Goodover, Graham, Hager, Hammond, Hazelbaker, Himsl, Johnson, Keating, Kolstad, Lee, Manley, McCallum, Nelson, Norman, Ochsner, Olson, Severson, Smith, Stephens, Story, Thomas, Tveit.

Total 30

Excused: None.
Total 0

Absent or not voting: Etchart, Manning, O'Hara, Mr. President.
Total 4

That House Bill No. 646 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Elliott, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Olson, Severson, Smith, Stephens, Story, Thomas, Towe, Tveit.
Total 38

Noes: Berg, Eck, Norman, Ochsner, Regan, Ryan, Stimatz, Van Valkenburg.
Total 8

Excused: None.
Total 0

Absent or not voting: Etchart, Halligan, O'Hara, Mr. President.
Total 4

That House Bill No. 683 be amended. Motion failed by the following vote:

Ayes: Berg, Blaylock, S. Brown, Hafferman, Haffey, Halligan, Healy, Jacobson, Manning, Norman, Regan, Ryan, Stimatz, Towe, Van Valkenburg.
Total 15

Noes: Aklestad, Anderson, Boylan, B. Brown, Crippen, Eck, Elliott, Galt, Goodover, Graham, Hager, Hammond, Hazelbaker, Himsl, Johnson, Keating, Kolstad, Lee, Mazurek, McCallum, Nelson, Ochsner, O'Hara, Olson, Severson, Stephens, Story, Thomas, Tveit.
Total 29

Excused: None.
Total 0

Absent or not voting: Conover, Dover, Etchart, Manley, Smith, Mr. President.
Total 6

That House Bill No. 683 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

That House Bill No. 701 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

That House Bill No. 703 be amended as follows:

1. Page 3, lines 7 through 15.
Following: "custody." on line 7
Strike: the remainder of these lines
Renumber: subsequent subsections

Amendment passed by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

That House Bill No. 703, as amended, be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: Healy.
Total 1

Excused: None.
Total 0

Absent or not voting: None.
Total 0

That House Bill No. 724 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 46

Noes: Blaylock, Hammond, McCallum, Ryan.
Total 4

Excused: None.
Total 0

Absent or not voting: None.
Total 0

That House Bill No. 731 be amended as follows:

That the following amendment of the Senate Standing Committee on Fish and Game of March 25, 1981, be stricken:

1. Page 2, line 11.
Strike: "<u>or floating</u>"

That the following amendment of the Senate Standing Committee on Fish and Game of March 25, 1981, be amended to read as follows:

2. Page 4, lines 3 through 10.
Strike: subsection (6) in its entirety
Insert: "(6) when the commission determines it necessary to protect the fishing resource, public health, public safety, or public welfare, establish and regulate a moratorium on either or both the Madison River or Big Hole River, on the issuance of outfitter licenses for the purpose of float fishing as defined in 87-4-101(4)(c) except that those fishing outfitters licensed in 1980 may receive renewal licenses, if qualified. The total number of professional guide licenses endorsed by fishing outfitters under a moratorium may not be less than the total number issued in 1980"

And further, that the following amendments be made to the bill:

1. Title, line 9.
Following: "BY"
Strike: "ESTABLISHING AND REGULATING"
Insert: "PROVIDING FOR ESTABLISHMENT OF"

2. Title, line 11.
Following: "AMENDING"
Strike: "SECTIONS 87-4-101 AND"
Insert: "SECTION"

3. Page 1, line 15 through page 2, line 23.
Strike: Section 1 in its entirety
Renumber: subsequent sections

Amendments passed by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

That House Bill No. 731, as amended, be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

That House Bill No. 71 be amended as follows:

That the following amendment of the Senate Standing Committee on State Administration of March 25, 1981, be amended to read as follows:

3. Page 1, line 16.
Following: "meeting"
Insert: ", and shall be given at least 48 hours before the meeting. The public or governmental body may provide for acting on emergency items or items that are unanticipated and are raised in good faith"

Amendment passed by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.

Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

That House Bill No. 71, as amended, be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: Crippen.
Total 1

Excused: None.
Total 0

Absent or not voting: None.
Total 0

That House Bill No. 429 be concurred in by the following vote:

Ayes: Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Eck, Elliott, Goodover, Graham, Haffey, Halligan, Healy, Himsl, Jacobson, Lee, Manley, Mazurek, Norman, Olson, Regan, Ryan, Severson, Stimatz, Thomas, Towe, Van Valkenburg.
Total 27

Noes: Aklestad, Anderson, Crippen, Dover, Etchart, Galt, Hafferman, Hager, Hammond, Hazelbaker, Keating, Kolstad, Manning, McCallum, Nelson, Ochsner, O'Hara, Smith, Stephens, Story, Tveit, Mr. President.
Total 22

Excused: None.
Total 0

Absent or not voting: Johnson.
Total 1

That the Committee rise and report and beg leave to sit again. (Boylan, Chairman)

Upon motion of Senator Boylan, duly carried, the foregoing Report of the Committee of the Whole was adopted.

At the request of the President, and without objection, the Senate reverted to Order of Business No. 6.

MOTIONS

Senator Stephens moved, duly carried, that Senate Bill No. 460 and House Bill No. 13 be placed at the bottom of the board.

Senator McCallum moved that the Senate reconsider its action taken in adopting the Adverse Committee Report on House Bill No. 575, and ask that the House return the bill to the Senate. Motion carried.

Senator Ryan moved that House Bill No. 557, as amended, be taken from the Committee on Labor and Employment Relations, and be placed on Second Reading this day. Motion carried by the following vote:

Ayes: Berg, Blaylock, B. Brown, S. Brown, Conover, Eck, Goodover, Hafferman, Haffey, Hager, Halligan, Healy, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Mazurek, Nelson, Norman, Regan, Ryan, Stephens, Stimatz, Story, Thomas, Towe, Van Valkenburg. Mr. President.
Total 30

Noes: Aklestad, Boylan, Crippen, Dover, Elliott, Etchart, Galt, Graham, Hammond, Hazelbaker, Himsl, McCallum, Ochsner, O'Hara, Olson, Severson, Smith.
Total 17

Excused: None.
Total 0

Absent or not voting: Anderson, Manning, Tveit.
Total 3

Senator Stephens moved, duly carried, that the Senate recess at the hour of 4:10 p.m. until the hour of 4:20 p.m.

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Boylan in the Chair.

Senate resumed. President Turnage in the Chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on Second Reading, recommend as follows:

That House Bill No. 33 be amended as follows:

1. Page 1, line 24 through page 2, line 3.
Following: "that" on line 24
Strike: all language through "(II)" on line 3

2. Page 2, line 3.
Following: "~~60~~"
Strike: "30"
Insert: "60"

3. Page 2, line 6.
Following: "7-2-4314"
Strike: "(1)"

4. Page 2, lines 17 and 18.
Following: "according to"
Strike: "a plan adopted pursuant to 7-2-4732"
Insert: "Title 7, part 47"

5. Page 2, line 19.
Following: "~~and~~"
Strike: "51% OF THE"
Insert: "more than 50% of the resident"

Amendments passed by the following vote:

Ayes: Aklestad, Anderson, Boylan, B. Brown, Conover, Crippen, Etchart, Galt, Goodover, Graham, Hafferman, Hager, Hammond, Hazelbaker, Healy, Himsl, Johnson, Keating, Kolstad, Lee, McCallum, Nelson, Severson, Smith, Stephens, Story, Mr. President.
Total 27

Noes: Berg, Blaylock, S. Brown, Eck, Elliott, Haffey, Halligan, Jacobson, Manley, Mazurek, Norman, O'Hara, Olson, Regan, Ryan, Stimatz, Towe, Van Valkenburg.
Total 18

Excused: None.
Total 0

Absent or not voting: Dover, Manning, Ochsner, Thomas, Tveit.
Total 5

That House Bill No. 33, as amended, be concurred in by the following vote:

Ayes: Aklestad, Berg, Blaylock, Boylan, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Keating, Kolstad, Manley, Mazurek, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 41

Noes: Anderson, B. Brown, Etchart, Hafferman, Johnson, Lee.
Total 6

Excused: None.
Total 0

Absent or not voting: Manning, McCallum, Smith.
Total 3

That House Bill No. 397 pass consideration. Unanimously passed.

That House Bill No. 561 and No. 622, without objection, be moved to the bottom of the board.

That House Bill No. 594 be amended as follows:

1. Title, lines 5 and 6.
Following: "AGENCIES TO"
Strike: "CONFORM TO LOCAL ZONING REGULATIONS"
Insert: "BE SUBJECT TO A PUBLIC HEARING"

2. Page 1, line 17 through page 2, line 25.
Following: "~~The~~"
Strike: the remainder of these lines
Insert: "Whenever an agency proposes to use public land contrary to local zoning regulations a public hearing, as defined below, shall be held.

(1) The local board of adjustments, as provided in Title 76, chapter 2, shall hold a hearing within 30 days of the date the agency gives notice to the board of its intent to develop land contrary to local zoning regulations.

(2) The board shall have no power to deny the proposed use but shall act only to allow a public forum for comment on the proposed use"

Amendments passed by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

That House Bill No. 594, as amended, be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

That House Bill No. 652 be concurred in by the following vote:

Ayes: Aklestad, Anderson, S. Brown, Dover, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Hazelbaker, Healy, Keating, Kolstad, Lee, Manley, Manning, Nelson, Ochsner, O'Hara, Olson, Ryan, Severson, Smith, Tveit.
Total 26

Noes: Berg, Blaylock, Boylan, B. Brown, Conover, Crippen, Eck, Halligan, Hammond, Himsl, Jacobson, Johnson, Mazurek, McCallum, Norman, Regan, Stephens, Stimatz, Story, Thomas, Towe, Van Valkenburg, Mr. President.
Total 23

Excused: None.
Total 0

Absent or not voting: Elliott.
Total 1

That House Bill No. 760 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham,

Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: Johnson.
Total 1

Excused: None.
Total 0

Absent or not voting: None.
Total 0

That House Bill No. 765 be amended. Motion failed by the following vote:

Ayes: Boylan, Hager, Manley, McCallum, Towe.
Total 5

Noes: Aklestad, Anderson, Berg, Blaylock, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Mazurek, Nelson, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Tveit, Van Valkenburg.
Total 41

Excused: None.
Total 0

Absent or not voting: Halligan, Manning, Norman, Mr. President.
Total 4

That House Bill No. 765 be amended as follows:

That the following amendment of the Senate Standing Committee on Local Government of March 26, 1981, be amended to read as follows:

14. Page 5.
Following: line 8
Insert: "Section 9. Effective date and termination date. This act shall become effective on July 1, 1981. It shall terminate on July 1, 1983."

Amendment passed by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, Crippen, Eck, Elliott, Haffey, Hager, Halligan, Hazelbaker, Healy, Jacobson, Johnson, Manley, Manning, Mazurek, McCallum, Norman, O'Hara, Ryan, Severson, Stephens, Stimatz, Story, Towe, Van Valkenburg, Mr. President.
Total 29

Noes: B. Brown, Conover, Dover, Etchart, Goodover, Graham, Hafferman, Hammond, Himsl, Keating, Kolstad, Nelson, Ochsner, Olson, Regan, Smith, Thomas, Tveit.
Total 18

Excused: None.
Total 0

Absent or not voting: S. Brown, Galt, Lee.
Total 3

That House Bill No. 765, as amended, be concurred in by the following vote:

Ayes: Aklestad, Anderson, Blaylock, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Halligan, Hammond, Hazelbaker, Healy, Jacobson, Johnson, Keating, Kolstad, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Regan, Severson, Smith, Stephens, Stimatz, Story, Tveit, Van Valkenburg, Mr. President.
Total 40

Noes: Boylan, Haffey, Hager, Himsl, Lee, Olson, Ryan, Thomas, Towe.
Total 9

Excused: None.
Total 0

Absent or not voting: Berg.
Total 1

That House Bill No. 781 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

That House Bill No. 790 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

That the Committee rise and report and beg leave to sit again. (Boylan, Chairman)

Upon motion of Senator Boylan, duly carried, the foregoing Report of the Committee of the Whole was adopted.

At the request of the President, and without objection, the Senate reverted to Order of Business No. 5.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The House on 3/31/81, requested the return of the following Senate Bill:

Senate Bill No. 243, introduced by Graham

MOTIONS

Senator Stephens moved, duly carried, that the Senate accede to the request of the House and return Senate Bill No. 243 to the House.

At the request of the President, and without objection, the Senate reverted to Order of Business No. 5.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The House on 3/31/81, acceded to the request of the Senate and returned the following bill to the Senate for further consideration:

House Bill No. 575, introduced by Kitselman

MOTIONS

Senator Stephens moved, duly carried, that House Bill No. 575 be placed immediately below House Bill No. 557 for consideration on Second Reading this day.

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Boylan in the Chair.

Senate resumed. President Turnage in the Chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on Second Reading, recommend as follows:

That House Bill No. 794 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Blaylock, B. Brown, S. Brown, Conover, Crippen, Eck, Galt, Graham, Hager, Halligan, Hammond, Jacobson, Johnson, Keating, Manning, Mazurek, Nelson, Norman, Ochsner, O'Hara, Regan, Stimatz, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 29

Noes: Berg, Boylan, Elliott, Etchart, Goodover, Hafferman, Hazelbaker, Healy, Himsl, Kolstad, Lee, Manley, McCallum, Olson, Ryan, Smith, Stephens, Story.
Total 18

Excused: None.
Total 0

Absent or not voting: Dover, Haffey, Severson.
Total 3

That House Bill No. 797 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Blaylock, Boylan, B. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hammond, Healy, Himsl, Johnson, Keating, Kolstad, Lee, Manley, McCallum, Nelson, Ochsner, O'Hara, Ryan, Severson, Smith, Stephens, Story, Thomas, Towe, Van Valkenburg.

Total 36

Noes: Berg, S. Brown, Hager, Halligan, Hazelbaker, Jacobson, Manning, Mazurek, Norman, Olson, Regan, Stimatz, Tveit, Mr. President.
Total 14

Excused: None.
Total 0

Absent or not voting: None.
Total 0

That House Bill No. 804, without objection, be moved to the bottom of the board.

That House Bill No. 806 be amended as follows:

1. Page 1, line 22.
Following: "~~15%~~"
Strike: "50%"
Insert: "25%"

Amendment passed by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

That House Bill No. 806, as amended, be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

That House Bill No. 815 be amended as follows:

SENATE JOURNAL

OF THE

Forty-Seventh Legislature

OF THE

State of Montana

Volume III

Held in Helena, the Seat of Government
Commencing in Regular Session January 5, 1981 and
Ending April 23, 1981

Jean Turnage
President of the Senate

John Larson
Secretary of the Senate

Dorothy ZurMuehlen
Journal Clerk

Data Entry Clerks
Patty Taylor
Martha Lowe

PUBLISHED BY
THE MONTANA LEGISLATIVE COUNCIL

That the following amendment of the Senate Standing Committee on Judiciary of March 26, 1981 be amended as follows:

2. Page 7.
Following: line 2
Insert: "Section 9. Codification instruction. Sections 1 through 8 are intended to be codified as an integral part of Title 41, chapter 3."

Amendment passed by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

That House Bill No. 815, as amended, be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: Etchart, Johnson.
Total 2

Excused: None.
Total 0

Absent or not voting: None.
Total 0

That House Joint Resolution No. 21 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Boylan, Conover, Crippen, Dover, Etchart, Galt, Goodover, Graham, Hager, Hammond, Hazelbaker, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, McCallum, Nelson, Ochsner, O'Hara, Olson, Severson, Smith, Stephens, Story, Tveit.
Total 29

Noes: Berg, Blaylock, B. Brown, S. Brown, Eck, Elliott, Hafferman, Haffey, Halligan, Healy, Himsl, Manning, Mazurek, Norman, Regan, Ryan, Stimatz, Thomas, Towe, Van Valkenburg.
Total 20

Excused: None.

Total 0

Absent or not voting: Mr. President.
Total 1

That House Joint Resolution No. 23 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

That House Joint Resolution No. 28 be concurred in. Motion failed by the following vote:

Ayes: Anderson, Boylan, B. Brown, S. Brown, Conover, Eck, Elliott, Halligan, Healy, Jacobson, Kolstad, Norman, Ochsner, Stimatz, Towe, Van Valkenburg.
Total 16

Noes: Aklestad, Berg, Blaylock, Crippen, Dover, Etchart, Goodover, Graham, Hafferman, Haffey, Hager, Hammond, Hazelbaker, Himsl, Johnson, Keating, Lee, Mazurek, McCallum, Nelson, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Story, Thomas, Tveit.
Total 30

Excused: None.
Total 0

Absent or not voting: Galt, Manley, Manning, Mr. President.
Total 4

That House Joint Resolution No. 28 be indefinitely postponed. Motion carried by the following vote:

Ayes: Aklestad, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Eck, Etchart, Goodover, Graham, Hafferman, Haffey, Hager, Hammond, Hazelbaker, Healy, Himsl, Johnson, Keating, Kolstad, Lee, Mazurek, McCallum, Nelson, Norman, O'Hara, Regan, Ryan, Severson, Smith, Stephens, Story, Thomas, Tveit.
Total 36

Noes: Anderson, Halligan, Jacobson, Ochsner, Stimatz, Towe, Van Valkenburg.
Total 7

Excused: None.
Total 0

Absent or not voting: Dover, Elliott, Galt, Manley, Manning, Olson, Mr. President.

Total 7

That House Bill No. 713, third reading copy, be amended as follows:

That the following amendments of the Senate Standing Committee on Judiciary of March 31, 1981, be amended to read as follows:

3. Page 12, line 14.
Following: "~~arbitration~~;"
Insert: "(3)(a) and agreement to submit a controversy to arbitration;

(b) However, a written agreement to submit to arbitration any existing or future controversy arising out of a written contract for construction or written commercial leasing agreement wherein the lease rental exceeds $10,000 in any 1 year is valid, enforceable, and irrevocable, save upon such grounds as exist at law or in equity for the revocation of any contract, but subsection (3)(b) does not apply to personal injury or tort matters, employer-employee disputes, or any insured beneficiary under any insurance policy or annuity contract.

(c) Arbitration of any controversy under this subsection shall be conducted in Montana and arbitration shall be enforceable only in the courts of Montana and in the manner set forth in Title 27, chapter 5, MCA."
Renumber: subsequent sections

4. Page 13, line 5 through line 6.
Following: "under [" on line 5
Strike: line 5 through "21" on line 6
Insert: "section 1"

Amendments passed by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Towe, Thomas, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

That House Bill No. 713, as amended, be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.

Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

That House Bill No. 176, third reading copy, be amended as follows:

1. Page 1, line 18.
Following: "machine"
Insert: "located in a private home or in a public museum"
Following: "not"
Insert: "operable and not"

2. Page 1, lines 11 and 12.
Following: "(1)"
Strike: all underlined material
Insert: all stricken material

Amendments passed by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

That House Bill No. 176, as amended, be concurred in. Motion failed by the following vote:

Ayes: Aklestad, Anderson, Berg, Boylan, S. Brown, Dover, Eck, Elliott, Etchart, Graham, Hafferman, Haffey, Halligan, Healy, Jacobson, Lee, Manley, Mazurek, Norman, Regan, Ryan, Stimatz, Story, Thomas, Tveit.
Total 24

Noes: Anderson, Blaylock, B. Brown, Conover, Crippen, Galt, Goodover, Hager, Hammond, Hazelbaker, Himsl, Johnson, Keating, Kolstad, Manning, McCallum, Nelson, Ochsner, O'Hara, Olson, Severson, Smith, Stephens, Van Valkenburg, Mr. President.
Total 25

Excused: None.
Total 0

Absent or not voting: Towe.
Total 1

That House Bill No. 176 be indefinitely postponed. Motion carried by the following vote:

Ayes: Anderson, Blaylock, B. Brown, Conover, Crippen, Galt, Goodover, Hager, Hammond, Hazelbaker, Himsl, Johnson, Kolstad, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Severson, Smith, Stephens, Van Valkenburg, Mr. President.
Total 26

Noes: Aklestad, Berg, Boylan, S. Brown, Dover, Eck, Elliott, Etchart, Graham, Hafferman, Haffey, Halligan, Healy, Jacobson, Lee, Manley, Regan, Ryan, Stimatz, Story, Thomas, Towe, Tveit.
Total 23

Excused: None.
Total 0

Absent or not voting: Keating.
Total 1

That House Bill No. 557, third reading copy, be amended as follows:

1. Title, lines 10 through 13.
Strike: all underlined material
Insert: all stricken material

2. Page 2, line 24 through page 4, line 2.
Strike: Section 2 in its entirety

Amendments passed by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

That House Bill No. 557, as amended, be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Eck, Hafferman, Haffey, Hager, Halligan, Healy, Himsl, Jacobson, Kolstad, Manning, Mazurek, Norman, Regan, Ryan, Smith, Stephens, Stimatz, Thomas, Towe, Van Valkenburg.
Total 29

Noes: Dover, Elliott, Etchart, Galt, Goodover, Graham, Hammond, Hazelbaker, Johnson, Keating, Lee, McCallum, Nelson, Ochsner, O'Hara, Olson, Severson, Story, Tveit.
Total 19

Excused: None.

Total 0

Absent or not voting: Manley, Mr. President.
Total 2

That House Bill No. 575, third reading copy, be amended as follows:

1. Title, line 4.
Following: "TO"
Strike: "GENERALLY CLARIFY"
Insert: "AUTHORIZE"

2. Title, line 5.
Following: "THE"
Strike: "POWERS OF"

3. Title, lines 5 and 6.
Following: "COMMISSIONERS"
Strike: "RELATING TO PLANNING AND ZONING AND"

4. Title, lines 8 and 9.
Following: "REGULATIONS"
Strike: the remainder of the title

5. Page 1, line 12 through page 6, line 7.
Strike: Sections 1 through 4 in their entirety
Renumber: subsequent sections

6. Page 6, line 9.
Following: "(1)"
Strike: "Before"
Insert: "For the purpose of providing an optional method of"

7. Page 6, lines 10 and 11.
Following: "classification"
Strike: "under the procedure established under [section 4],"

8. Page 7, lines 3 through 6.
Strike: Section 6
Insert: "Section 2. Codification instruction. Section 1 is intended to be codified as an intregal part of Title 76, chapter 2, part 2, and the provisions of Title 76, chapter 2, apply to section 1."

Amendments passed by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

That House Bill No. 575, as amended, be concurred in by the following vote:

Ayes: Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: Aklestad, Ochsner.
Total 2

Excused: None.
Total 0

Absent or not voting: None.
Total 0

That the Committee rise and report and beg leave to sit again. (Boylan, Chairman)

Upon motion of Senator Boylan, duly carried, the foregoing Report of the Committee of the Whole was adopted.

At the request of the President, and without objection, the Senate reverted to Order of Business No. 6.

MOTIONS

Senator Stephens moved, duly carried, that House Joint Resolution No. 42, as amended, be taken from the Committee on Bills and Journal and placed on Second Reading this day.

Senator Jacobson requested that her vote on House Joint Resolution No. 21 be changed from "aye" to "no". Motion carried.

SECOND READING OF BILLS (COMMITEE OF THE WHOLE)

Senator Boylan in the Chair.

Senate resumed. President Turnage in the Chair.

Mr. President: We your Committee of the Whole, having had under consideration business on Second Reading, recommend as follows:

That House Joint Resolution No. 42 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

That the Committee rise and report and beg leave to sit again. (Boylan, Chairman)

Upon motion of Senator Boylan, duly carried, the foregoing Report of the Committee of the Whole was adopted.

At the request of the President, and without objection, the Senate reverted to Order of Business No. 6.

MOTIONS

Senator Stephens moved that the Joint Rules of the Forty-seventh Legislative Session be temporarily suspended in order to place House Bills Nos. 33, 71, 202, 429, 557, 575, 594, 646, 652, 683, 701, 703, 724, 731, 760, 765, 781, 790, 794, 797, 806, and 815, and House Joint Resolutions Nos. 21, 23, and 42 on Third Reading this day. Motion carried by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: Etchart.
Total 1

Excused: None.
Total 0

Absent or not voting: Keating.
Total 1

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

House Bill No. 33 was concurred in by the following vote:

Ayes: Aklestad, Berg, Blaylock, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Kolstad, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 39

Noes: Anderson, Boylan, B. Brown, Etchart, Hafferman, Johnson, Keating, Lee, Manley, Ryan, Severson.
Total 11

Excused: None.
Total 0

Absent or not voting: None.
Total 0

House Bill No. 71 was concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham,

Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: Manning.
Total 1

House Bill No. 202 was concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: Story.
Total 1

Excused: None.
Total 0

Absent or not voting: None.
Total 0

House Bill No. 429 was concurred in by the following vote:

Ayes: Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Eck, Elliott, Graham, Haffey, Halligan, Healy, Himsl, Jacobson, Johnson, Lee, Manley, Mazurek, Norman, Olson, Regan, Ryan, Severson, Stimatz, Thomas, Towe, Van Valkenburg.
Total 28

Noes: Aklestad, Anderson, Dover, Etchart, Galt, Goodover, Hafferman, Hager, Hammond, Hazelbaker, Keating, Kolstad, Manning, McCallum, Nelson, Ochsner, O'Hara, Smith, Stephens, Story, Tveit, Mr. President.
Total 22

Excused: None.
Total 0

Absent or not voting: None.
Total 0

House Bill No. 557 was concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Eck, Graham, Hafferman, Haffey, Hager, Halligan, Healy, Himsl, Jacobson, Johnson, Kolstad, Manley, Manning, Mazurek, Norman, O'Hara, Regan, Ryan, Severson, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 36

Noes: Dover, Elliott, Etchart, Galt, Goodover, Hammond, Hazelbaker, Keating, Lee, McCallum, Nelson, Ochsner, Olson, Smith.
Total 14

Excused: None.
Total 0

Absent or not voting: None.
Total 0

House Bill No. 575 was concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 47

Noes: Boylan, Himsl, Nelson.
Total 3

Excused: None.
Total 0

Absent or not voting: None.
Total 0

House Bill No. 594 was concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Graham, Haffey, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Kolstad, Manning, Mazurek, McCallum, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Thomas, Towe, Tveit, Van Valkenburg.
Total 41

Noes: Goodover, Hafferman, Hager, Keating, Lee, Manley, Nelson, Story, Mr. President.
Total 9

Excused: None.
Total 0

Absent or not voting: None.
Total 0

House Bill No. 646 was concurred in by the following vote:

Ayes: Aklestad, Anderson, Blaylock, B. Brown, S. Brown, Conover, Crippen, Dover, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Ochsner, O'Hara, Severson, Smith, Stephens, Thomas, Towe, Tveit, Mr. President.
Total 39

Noes: Berg, Boylan, Eck, Halligan, Norman, Olson, Regan, Ryan, Stimatz, Story, Van Valkenburg.
Total 11

Excused: None.
Total 0

Absent or not voting: None.
Total 0

House Bill No. 652 was not concurred in by the following vote:

Ayes: Aklestad, Anderson, S. Brown, Dover, Etchart, Galt, Graham, Hafferman, Hazelbaker, Keating, Kolstad, Lee, Manley, Manning, Nelson, Ochsner, O'Hara, Ryan, Severson.
Total 19

Noes: Berg, Blaylock, Boylan, B. Brown, Conover, Crippen, Eck, Elliott, Goodover, Haffey, Hager, Halligan, Hammond, Healy, Himsl, Jacobson, Johnson, Mazurek, McCallum, Norman, Olson, Regan, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 31

Excused: None.
Total 0

Absent or not voting: None.
Total 0

House Bill No. 683 was concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Etchart, Galt, Goodover, Graham, Hafferman, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 46

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: Elliott, Haffey, Manley, Olson.
Total 4

House Bill No. 701 was concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: Manley, Olson.
Total 2

House Bill No. 703 was concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Dover, Eck, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Van Valkenburg, Mr. President.
Total 45

Noes: Crippen, Healy, Tveit.
Total 3

Excused: None.
Total 0

Absent or not voting: Elliott, Manley.
Total 2

House Bill No. 724 was concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hazelbaker, Healy, Himsl, Jacobson, Keating, Kolstad, Lee, Manning, Mazurek, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg.
Total 43

Noes: Etchart, Hafferman, Hammond, Johnson, McCallum, Mr. President.
Total 6

Excused: None.
Total 0

Absent or not voting: Manley.
Total 1

House Bill No. 731 was concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Etchart, Galt, Goodover, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manning, Mazurek, Nelson, Norman, O'Hara, Olson, Regan, Severson, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg.
Total 41

Noes: Elliott, Graham, Hafferman, McCallum, Ochsner, Ryan, Smith, Mr. President.
Total 8

Excused: None.
Total 0

Absent or not voting: Manley.
Total 1

House Bill No. 760 was concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl,

Jacobson, Johnson, Keating, Kolstad, Lee, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: Ryan.
Total 1

Excused: None.
Total 0

Absent or not voting: Manley.
Total 1

House Bill No. 765 was concurred in by the following vote:

Ayes: Aklestad, Anderson, Blaylock, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Halligan, Hammond, Hazelbaker, Healy, Jacobson, Johnson, Keating, Kolstad, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Regan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Tveit, Van Valkenburg, Mr. President.
Total 40

Noes: Berg, Boylan, Haffey, Hager, Himsl, Lee, Olson, Ryan, Towe.
Total 9

Excused: None.
Total 0

Absent or not voting: Manley.
Total 1

House Bill No. 781 was concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: Elliott, Manley.
Total 2

House Bill No. 790 was concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Kolstad, Lee, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: Keating.
Total 1

Excused: None.
Total 0

Absent or not voting: Manley.
Total 1

House Bill No. 794 was concurred in by the following vote:

Ayes: Aklestad, Anderson, Blaylock, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Graham, Haffey, Hager, Halligan, Hammond, Healy, Jacobson, Johnson, Keating, Manning, Mazurek, Norman, Ochsner, O'Hara, Regan, Severson, Stimatz, Thomas, Towe, Van Valkenburg, Mr. President.
Total 31

Noes: Berg, Boylan, Etchart, Galt, Goodover, Hafferman, Hazelbaker, Himsl, Kolstad, Lee, McCallum, Nelson, Olson, Ryan, Smith, Stephens, Story, Tveit.
Total 18

Excused: None.
Total 0

Absent or not voting: Manley.
Total 1

House Bill No. 797 was concurred in by the following vote:

Ayes: Aklestad, Anderson, Blaylock, Boylan, B. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hammond, Himsl, Johnson, Keating, Kolstad, Lee, McCallum, Nelson, Ochsner, O'Hara, Severson, Smith, Stephens, Story, Thomas, Towe, Van Valkenburg.
Total 33

Noes: Berg, S. Brown, Hager, Halligan, Hazelbaker, Healy, Jacobson, Manning, Mazurek, Norman, Olson, Regan, Ryan, Stimatz, Tveit, Mr. President.
Total 16

Excused: None.
Total 0

Absent or not voting: Manley.
Total 1

House Bill No. 806 was concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: Ryan.
Total 1

Excused: None.

Total 0

Absent or not voting: Manley.
Total 1

House Bill No. 815 was concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Eck, Elliott, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Jacobson, Keating, Kolstad, Lee, Manning, Mazurek, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Stephens, Stimatz, Story, Thomas, Towe, Van Valkenburg, Mr. President.
Total 40

Noes: Dover, Etchart, Himsl, Johnson, McCallum, Ryan, Severson, Smith, Tveit.
Total 9

Excused: None.
Total 0

Absent or not voting: Manley.
Total 1

House Joint Resolution No. 21 was concurred in by the following vote:

Ayes: Aklestad, Anderson, Boylan, Conover, Crippen, Dover, Etchart, Galt, Goodover, Graham, Hager, Hammond, Johnson, Keating, Kolstad, Lee, Manning, McCallum, Nelson, Ochsner, O'Hara, Olson, Severson, Smith, Stephens, Story, Tveit, Mr. President.
Total 28

Noes: Berg, Blaylock, B. Brown, S. Brown, Eck, Elliott, Hafferman, Haffey, Halligan, Hazelbaker, Healy, Himsl, Jacobson, Mazurek, Norman, Regan, Ryan, Stimatz, Thomas, Towe, Van Valkenburg.
Total 21

Excused: None.
Total 0

Absent or not voting: Manley.
Total 1

House Joint Resolution No. 23 was concurred in by the following vote:

Ayes: Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Eck, Elliott, Etchart, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hazelbaker, Healy, Jacobson, Johnson, Keating, Kolstad, Lee, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Severson, Smith, Stephens, Stimatz, Thomas, Towe, Van Valkenburg, Mr. President.
Total 41

Noes: Aklestad, Dover, Galt, Hammond, Himsl, Ryan, Story, Tveit.
Total 8

Excused: None.
Total 0

Absent or not voting: Manley.
Total 1

House Joint Resolution No. 42 was concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Manning, Mazurek, McCallum, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 47

Noes: Lee, Manley, Nelson.
Total 3

Excused: None.
Total 0

Absent or not voting: None.
Total 0

House Bill No. 713 was concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg.
Total 46

Noes: Hafferman, Ryan, Mr. President.
Total 3

Excused: None.
Total 0

Absent or not voting: Manley.
Total 1

At the request of the President, and without objection, the Senate reverted to Order of Business No. 2.

REPORTS OF STANDING COMMITTEES

PRINTING (O'Hara, Chairman):
Correctly printed and placed on the members' desks - SB 383. Report adopted.

The Senate will please take note that the President did, at the hour of 6:00 p.m., 3/31/81, sign the following bills:
SB 124, SB 193, SB 195, SB 228, SB 241, SB 273, SB 333, SB 334, SB 400, SB 461, SB 462, HB 69, HB 408, HB 425, HB 552, HB 569, HB 678, SJR 11, SJR 18.

Jean A. Turnage
President

BILLS (O'Hara, Chairman):
Correctly enrolled - SB 124, SB 193, SB 195, SB 228, SB 241, SB 273, SB 333, SB 334, SB 400, SB 461, SB 462, SJR 11, SJR 18. Report adopted.

I have examined Senate Bill No. 193 introduced by me and find the same to be correct. (Haffey)

I have examined Senate Bill No. 124 introduced by me and find the same to correct. (Thomas)

I have examined Senate Joint Resolution No. 18 introduced by me and find the same to be correct. (Galt)

I have examined Senate Joint Resolution No. 11 introduced by me and find the same to be correct. (B. Brown)

I have examined Senate Bill No. 462 introduced by me and find the same to be correct. (Hager)

I have examined Senate Bill No. 461 introduced by me and find the same to be correct. (Goodover)

I have examined Senate Bill No. 400 introduced by me and find the same to be correct. (Halligan)

I have examined Senate Bill No. 334 introduced by me and find the same to be correct. (M. Anderson)

I have examined Senate Bill No. 333 introduced by me and find the same to be correct. (M. Anderson)

I have examined Senate Bill No. 273 introduced by me and find the same to be correct. (Hazelbaker)

I have examined Senate Bill No. 241 introduced by me and find the same to be correct. (Hazelbaker)

I have examined Senate Bill No. 228 introduced by me and find the same to be correct. (Regan)

I have examined Senate Bill No. 195 introduced by me and find the same to be correct. (Haffey)

MOTIONS

Senator Keating moved that House Bill No. 652 be taken from Third Reading this Legislative Day and be placed on Second Reading for the purpose of adding an amendment. Motion carried by the following vote:

Ayes: Aklestad, Anderson, Boylan, S. Brown, Conover, Crippen, Dover, Elliott, Etchart, Galt, Goodover, Graham, Haffey, Hager, Hammond, Hazelbaker, Healy, Jacobson, Keating, Kolstad, Manning, Mazurek, Nelson, Ochsner, O'Hara, Olson, Ryan, Severson, Smith, Stephens, Stimatz, Story, Tveit, Mr. President.
Total 36

Noes: Berg, Blaylock, B. Brown, Eck, Hafferman, Halligan, Himsl, Johnson, McCallum, Norman, Regan, Towe, Van Valkenburg.
Total 13

Excused: None.
Total 0

Absent or not voting: Manley.
Total 1

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Boylan in the Chair.

Senate resumed. President Turnage in the Chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on Second Reading, recommend as follows:

That the amendment to House Bill No. 652 be amended as follows:

3. Page 22, line 4.
Following: "APPROVAL"
Insert: "The question of whether this act shall remain effective or shall be replaced by the provisions of Initiative 84 shall be submitted to the electors of the state of Montana at the general election to be held November 2, 1982. The question shall be submitted by printing on the ballot the full title of this act and the following:

☐ FOR providing a state regulatory system for the disposal and maintenance of uranium mill tailings.

☐ AGAINST providing for a state regulatory system for the disposal and maintenance of uranium mill tailings."

Amendment passed by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Crippen, Dover, Elliott, Etchart, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manning, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Tveit, Van Valkenburg, Mr. President.
Total 42

Noes: Eck, Regan, Towe.
Total 3

Excused: None.
Total 0

Absent or not voting: Conover, Galt, Healy, Manley, Mazurek.
Total 5

That the amendments to House Bill No. 652 be amended as follows:

3. Page 22.
Following: line 2
Strike: Section 18 in its entirety
Insert: "The question of whether this act shall become effective or shall be replaced by the provisions of Initiative 84 shall be submitted to the electors of the state of Montana at the general election to be held November 2, 1982. The question shall be submitted by printing on the ballot as follows:

☐ FOR providing a state regulatory system for the disposal and maintenance of uranium mill tailings.

☐ AGAINST providing for a state regulatory system for the disposal and maintenance of uranium mill tailings.

Section 18. Effective date. This act is effective on passage and approval by the electors of the state of Montana."

Amendment passed by the following vote:

Ayes: Aklestad, Anderson, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Ryan, Smith, Stephens, Stimatz, Story, Tveit, Van Valkenburg, Mr. President.
Total 41

Noes: Berg, Blaylock, Eck, Lee, Regan, Towe.
Total 6

Excused: None.
Total 0

Absent or not voting: Manley, Severson, Thomas.
Total 3

As a substitute motion to the amended amendment, that House Bill No. 652 be amended. Motion failed by the following vote:

Ayes: Berg, Blaylock, B. Brown, Conover, Eck, Haffey, Halligan, Healy, Himsl, Jacobson, Mazurek, Norman, Regan, Ryan, Stimatz, Thomas, Towe, Van Valkenburg.
Total 18

Noes: Aklestad, Anderson, Boylan, S. Brown, Crippen, Dover, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Hager, Hammond, Hazelbaker, Johnson, Keating, Kolstad, Lee, Manning, McCallum, Nelson, Ochsner, O'Hara, Olson, Severson, Smith, Stephens, Story, Tveit, Mr. President.
Total 31

Excused: None.
Total 0

Absent or not voting: Manley.
Total 1

That the amended amendment to House Bill No. 652 be adopted by the following vote:

Ayes: Aklestad, Anderson, Boylan, S. Brown, Conover, Crippen, Dover, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manning, Mazurek, McCallum, Nelson, Ochsner, O'Hara, Olson, Ryan, Severson, Smith, Stimatz, Story, Thomas, Tveit, Mr. President.
Total 39

Noes: Berg, Blaylock, B. Brown, Eck, Halligan, Norman, Regan, Stephens, Towe, Van Valkenburg.
Total 10

Excused: None.
Total 0

Absent or not voting: Manley.
Total 1

That House Bill No. 652, as amended, be concurred in by the following vote:

Ayes: Aklestad, Anderson, Boylan, S. Brown, Dover, Elliott, Etchart, Galt, Graham, Hafferman, Haffey, Hager, Hammond, Hazelbaker, Healy, Jacobson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, Nelson, Ochsner, O'Hara, Olson, Ryan, Severson, Smith, Tveit.
Total 30

Noes: Berg, Blaylock, B. Brown, Conover, Crippen, Eck, Goodover, Halligan, Himsl, Johnson, McCallum, Norman, Regan, Stephens, Stimatz, Story, Thomas, Towe, Van Valkenburg, Mr. President.
Total 20

Excused: None.
Total 0

Absent or not voting: None.
Total 0

That the Committee rise and report. (Boylan, Chairman)

Upon motion of Senator Boylan, duly carried, the foregoing Report of the Committee of the Whole was adopted.

At the request of the President, and without objection, the Senate reverted to Order of Business No. 6.

MOTIONS

Senator Stephens moved that the Joint Rules of the Forty-seventh Legislative Session be temporarily suspended in order to place House Bill No. 652 on Third Reading this day. Motion requiring a two-thirds vote, carried by the following vote:

Ayes: Aklestad, Anderson, Boylan, B. Brown, S. Brown, Crippen, Dover, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Ochsner, O'Hara, Olson, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Tveit, Mr. President.
Total 42

Noes: Berg, Blaylock, Conover, Eck, Norman, Regan, Towe, Van Valkenburg.
Total 8

Excused: None.
Total 0

Absent or not voting: None.
Total 0

THIRD READING OF BILLS

The following bill having been read three several times, title and history agreed to, was disposed of in the following manner:

House Bill No. 652 was concurred in by the following vote:

Ayes: Aklestad, Anderson, S. Brown, Dover, Elliott, Etchart, Galt, Graham, Hafferman, Haffey, Hager, Hammond, Hazelbaker, Healy, Jacobson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, Nelson, Ochsner, O'Hara, Olson, Ryan, Severson, Stimatz, Tveit.
Total 29

Noes: Berg, Blaylock, Boylan, B. Brown, Conover, Crippen, Eck, Goodover, Halligan, Himsl, Johnson, McCallum, Norman, Regan, Smith, Stephens, Story, Thomas, Towe, Van Valkenburg, Mr. President.
Total 21

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Upon motion of Senator Stephens, duly carried, the Senate adjourned at 9:01 p.m. until Wednesday, April 1, at the hour of 1:30 p.m.

JEAN A. TURNAGE
President of the Senate

JOHN W. LARSON
Secretary of the Senate

SEVENTY-SECOND LEGISLATIVE DAY

Helena, Montana
April 1, 1981

Senate Chambers
Capitol Building

Senate convened at 1:30 p.m., President Pro Tempore Kolstad presiding. Invocation by the Chaplain. Pledge of Allegiance to the Flag.

Roll call. All members present except McCallum, excused. Quorum present.

Mr. President: We, your Committee on Bills and Journal, having examined the daily journal for the Seventy-first Legislative Day, find the same to be correct.

O'HARA, Chairman

MOTIONS

Senator Stephens moved, duly carried, that the Senate recess at the hour of 1:34 p.m. until the hour of 2:15 p.m. this day.

At the request of the President Pro Tempore, and without objection, the Senate reverted to Order of Business No. 2.

REPORTS OF STANDING COMMITTEES

TAXATION (Goodover, Chairman):
SB 172, second reading copy, be amended as follows:

1. Title, lines 4 through 14.
Strike: inserted language
Reinsert: stricken language

2. Pages 1 through 3.
Strike: all of the bill following the enacting clause
Insert: "Section 1. Short title. [This act] may be cited as the "Electricity Transporters' Tax Act".

Section 2. Tax on transported electricity. There is a tax levied on electricity and electric energy produced in a privately owned generating plant that is transported in a transmission line owned by an agency of federal, state, or local government capable of transmitting at least 500 kilovolts in the amount of $0.0004 per kilowatt hour measured at the point the electricity or electric energy enters the transmission line. If a power corridor contains more than one transmission line, the total transmitting capacity of the transmission lines within the corridor shall be used to determine whether the transmission line is capable of transmitting at least 500 kilovolts.

Section 3. Allocation of taxable value. The department of revenue shall determine the taxable value of the portion of a publicly owned transmission system sited in each county, as if it were classified, appraised, and assessed under 15-6-140(1)(c), and shall allocate revenue collected under this section to the county as that county's portion of the taxable value of the line relates to the total taxable value of each line.

Section 4. Payment of tax. The person, company, or consortium producing the electricity and electric energy assessed under [section 3] shall be responsible for payment of the tax as required by 15-16-102 and shall be subject to the provisions of 15-16-102.

Section 5. Registration of electrical energy transporters. On or before March 31 of each year, the person, company, or consortium responsible for payment of the tax under [section 4] shall register with the department of revenue and inform the department of its activity as such transporter of electricity and electric energy through a transmission system owned by an agency of the federal, state, or local government during the year ended on the last December 31.

Section 6. Inspection of books of transporter. The books and records of any transporter of electricity or electric energy are subject to inspection by the department of revenue, its agents, or employees during reasonable hours.

Section 7. Interest on delinquency. Taxes not paid on the due date shall become delinquent, and a penalty of 10% plus interest at a rate of 1% per month or fraction of a month computed on the total of tax and penalty shall be charged."

And, as so amended, do pass. Report adopted.

The Committee adopted the following Statement of Intent:

STATEMENT OF INTENT: Senate Bill No. 355

It is the purpose of this act to replace the present property tax on automobiles and light trucks (three-quarter ton capacity or less) by a license fee based on the age and weight of the vehicle. It is intended that this system commence with registration of vehicles on January 1, 1982.

In order to facilitate registration and to reduce energy consumption, the Department of Revenue is mandated to develop a procedure for mail registration. More precisely, the procedure relates to reregistration. Registration for the first time, as well as transfers of registration, will still be done in person at the office of the county treasurer. It is anticipated that the reregistration procedure will involve mailing to the vehicle owner an application specifying the vehicle and the various fees that are due for registration. The owner will sign the application and return the signed application and the fee to the county treasurer. Upon receipt of the signed application, the treasurer shall send the applicant a valid registration and tabs to be attached to the license plates. The rules to be adopted by the Department of Revenue should provide the details to implement the above described procedure. The emphasis should be on the convenience of the vehicle owner.

The financial aid provisions of the bill are designed to provide a mechanism to give financial relief to local governments due to the loss of revenue from automobile and light truck property tax.

First adopted by the Senate Taxation Committee on the 31st day of March 1981.

Report adopted.

BUSINESS AND INDUSTRY (Hazelbaker, Chairman):
SJR 33, do pass. Report adopted.

FINANCE AND CLAIMS (Himsl, Chairman):
HB 655, be concurred in. Report adopted.

TAXATION (Goodover, Chairman):
HB 34, be concurred in. Report adopted.

FISH AND GAME (Smith, Chairman):
HJR 47, be concurred in. Report adopted.

MESSAGES FROM THE GOVERNOR

March 31, 1981

The Honorable Jean Turnage
President of the Senate
State Capitol
Helena, Montana 59620

Dear Mr. President:

This is to inform you that I have signed the following measures this date:

Senate Bill Nos. 255, 16, 183, 14, 120.

Sincerely,

TED SCHWINDEN
Governor

March 31, 1981

The Honorable Jean A. Turnage
President of the Senate
State Capitol
Helena, Montana 59620

The Honorable Robert L. Marks
Speaker of the House
State Capitol
Helena, Montana 59620

Dear Senator Turnage and Representative Marks:

In accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby return Senate Bill No. 267, "AN ACT TO GENERALLY REVISE THE LAWS RELATING TO ADOPTION AND TO AMEND THE LAWS RELATING TO RELINQUISHMENT AND PLACEMENT OF CHILDREN FOR ADOPTION BY THEIR PARENTS WITHOUT AGENCY INVOLVEMENT; AMENDING SECTIONS 40-6-125, 40-8-101, 40-8-103, 40-8-104, 40-8-111, 40-8-113, 40-8-121 THROUGH 40-8-123, MCA; AND REPEALING SECTION 40-6-124, MCA," without my signature and recommend the attached amendment for the following reason.

The amendment I have proposed is strictly for the purpose of correcting an incorrect cross-citation.

I urge your concurrence in this amendment.

Sincerely,

TED SCHWINDEN
Governor

GOVERNOR'S PROPOSED AMENDMENT TO SENATE BILL NO. 267

1. Page 8, line 3.
Following: "in"
Strike: "45-2-202"
Insert: "45-5-201"

March 31, 1981

The Honorable Jean A. Turnage
President of the Senate
State Capitol
Helena, Montana 59620

The Honorable Robert L. Marks
Speaker of the House
State Capitol
Helena, Montana 59620

Dear Senator Turnage and Representative Marks:

In accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby return House Bill No. 286, "AN ACT TO PROVIDE A STATE-CHARTERED BUILDING AND LOAN ASSOCIATION THE SAME RIGHTS AS A FEDERALLY-CHARTERED SAVINGS AND LOAN ASSOCIATION; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE," without my signature and recommend the attached amendments for the following reasons.

House Bill No. 286 provides that with the approval of the Department of Business Regulation, a state-chartered building and loan association may engage in an activity in which a federally-chartered savings and loan engages. A condition of that approval is that the state-chartered institution obtain and maintain insurance of accounts acceptable to the department. The condition of department approval of an institution's insurance of account differs from the standard requirement that insurance be maintained with the Federal Savings and Loan Insurance Corporation.

Problems have arisen throughout the United States with foreign insurance companies doing business in the United States failing to provide adequate service to depositors in financial institutions. Those companies are not often susceptible to an adequate examination by state agencies such as the Department of Business Regulation. Use of these foreign insurance companies may jeopardize the deposits of Montana citizens. Moreover, insurance with the Federal Savings and Loan Insurance Corporation has proven to be a safe and stable means of securing protection of Montana depositors.

The attached amendments require that in order to seek the special orders authorized under House Bill No. 286, a state-chartered building and loan association must obtain and maintain insurance of accounts through the Federal Savings and Loan Insurance Corporation pursuant to 12 U.S.C. Sections 1726, et seq.

I urge your concurrence in these amendments.

Sincerely,

TED SCHWINDEN
Governor

PROPOSED GOVERNOR'S AMENDMENTS TO HOUSE BILL NO. 286

1. Page 2, line 6.
Following: "~~ET SEQ~~"
Strike: "ACCEPTABLE TO THE DEPARTMENT"
Insert: "by the Federal Savings and Loan Insurance Corporation Pursuant to 12 U.S.C. Sections 1726, et seq."

2. Statement of Intent, lines 14 and 15.

Following: "MAINTAIN"
Strike: "Insurance of accounts acceptable to the department of Business Regulation"
Insert: "federal savings and loan insurance."

March 31, 1981

The Honorable Jean A. Turnage
President of the Senate
State Capitol
Helena, Montana 59620

The Honorable Robert L. Marks
Speaker of the House
State Capitol
Helena, Montana 59620

Dear Senator Turnage and Representative Marks:

In accordance with the power vested in me as Governor by the Constitution and laws of the State of Montana, I hereby return House Bill No. 547, "AN ACT TO ALLOW SIGNS OR DISPLAYS THAT ADVERTISE CULTURAL EXHIBITS OF NONPROFIT HISTORICAL OR ARTS ORGANIZATIONS TO BE ERECTED IN PROXIMITY TO HIGHWAYS; AMENDING SECTION 75-15-111, MCA" without my signature and recommend the attached amendment for the following reasons.

House Bill No. 547 as adopted allows the erection of signs or displays advertising cultural exhibits of nonprofit historical or arts organizations along highways without the imposition of any standards on size, location, or content. I know the bill was prompted by a desire to save the Range Rider Museum sign near Broadus, Montana. I support the concept of permitting advertising of Montana's cultural exhibits and have directed the Department of Highways to develop alternative locations for the Range Rider Sign. However, the existence of one illegal sign is not the issue here. The problem, if this bill is enacted without amendment, is that Montana's law will be less restrictive than federal law and for that reason Montana will fail to comply with federal requirements.

Under the federal outdoor advertising act, states which have less restrictive standards than those provided by federal law or regulations are subject to a 10 percent reduction in federal funds apportioned to the state.

The pertinent part of the federal statute is:

> (b) Federal-aid highway funds apportioned . . . to any State which the Secretary determines has not made provision for effective control of the erection and maintenance along the Interstate System and the primary system of outdoor advertising signs, displays, and devices . . . shall be reduced by amounts equal to 10 per centum of the amounts which would otherwise be apportioned to such State under section 104 of this title, until such time as such State shall provide for such effective control. 23 U.S.C. Sec. 131

In fiscal year 1981, Montana was apportioned $82,851,161 in federal highway funds. Over $8 million would be jeopardized by the enactment of this bill.

I share your frustration with federal interference and regulation of state concerns. I am, however, very concerned with the loss of highway funding. As I mentioned in my transportation message on March 3, Montana's

highways are in deplorable condition. The highway system is losing the race against inflation. As executive officer of this State, I cannot justify gambling $8 million of Montana's share of federal funds.

It is clear that I would risk those funds if I did not act. Today, I received a telegram from President Reagan's newly appointed Federal Highway Administrator, Ray Barnhart. He informed me that if this bill is signed into law unamended he would have no choice but to withhold part of the federal aid funds to Montana, as has already been done in at least five states.

In 1977, South Dakota permanently lost $4.3 million for failure to comply with the federal government after taking the issue to the U.S. Supreme Court. In the four other states - Vermont, New York, Alabama and Oklahoma - federal funds were withheld and only restored after the states brought their laws into compliance with the federal law.

The Legislature may be willing to risk a costly legal battle or the loss of these necessary funds to satisfy their frustration over federal laws, but I do not think this would be in the best interests of the people of Montana. The battle over federal domination of state decisions needs to be fought, but can only be successful if we choose those cases where the issues are of key importance to Montana and where our legal position is sound. This is clearly not the case with HB 547.

The amendment I propose will permit cultural signs in locations where they are not now permitted. The federal standards for such signs are in some ways less restrictive than present Montana law. The adoption of the amendment will result in compliance with federal requirements to assure full funding of Montana's highway projects and also allow the advertising of cultural exhibits in many new locations.

I urge your concurrence in this amendment.

Sincerely,

TED SCHWINDEN
Governor

PROPOSED GOVERNOR'S AMENDMENT TO HOUSE BILL NO. 547

1. Page 2, line 16.
Following: "organizations"
Insert: "if the signs or displays conform with the standards provided in Title 23, Code of Federal Regulations, section 750, subpart B."

March 31, 1981

The Honorable Jean A. Turnage
President of the Senate
State Capitol
Helena, Montana 59620

The Honorable Robert L. Marks
Speaker of the House
State Capitol
Helena, Montana 59620

Dear Senator Turnage and Representative Marks:

In accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby veto Senate Bill

No. 80, "AN ACT SPECIFICALLY EXEMPTING PEAT MINING FROM THE HARD ROCK MINING ACT; AMENDING SECTION 82-4-303, MCA," for the following reasons.

Article IX of the Constitution of the State of Montana, pertaining to "Environment and Natural Resources", states in pertinent part as follows:

> Section 2. "Reclamation. (1) All lands disturbed by the taking of natural resources shall be reclaimed. The Legislature shall provide effective requirements for the reclamation of lands disturbed.

Senate Bill 80 exempts "peat" from the reclamation requirements of the Hard Rock Mining Act by excluding "peat" from the definitions of "mineral" in Section 1, Subsection 6, and from "surface mining" in Section 1, Subsection 11, of the bill. What is most significant is that the Legislature has not provided effective requirements and standards in any other laws for the reclamation of lands disturbed by the taking of peat.

Existing law does not require extensive, overly burdensome or expensive reclamation requirements for peat. Nevertheless, the Constitution does require that all lands disturbed by the taking of peat or other natural resources be reclaimed, and that the Legislature establish effective requirements and standards, however basic.

Moreover, the other natural resources exempt from the definitions of "mineral" and "surface mining", are all subject to other state reclamation laws. Clearly, an exemption for "peat" is in direct contradiction of Article IX, Section 2 of the Constitution of the State of Montana, and I hereby veto Senate Bill No. 80.

Sincerely,

TED SCHWINDEN
Governor

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The House on 3/31/81, adopted on Third Reading, the following Free Conference Committee Reports:

Free Conference Committee Report on Senate Bill No. 72, introduced by Galt (97-0)

Free Conference Committee Report on Senate Bill No. 125, introduced by Dover (70-23)

The following Senate Bill was on 3/31/81, on Second Reading, not concurred in and returned to the Senate:

Senate Bill No. 294, introduced by Hammond

The following Senate Joint Resolution was on 3/31/81, on Second Reading, not concurred in and returned to the Senate:

Senate Joint Resolution No. 4, introduced by Hafferman

The following Senate Bills were on 3/31/81, on Standing Committee Report, not concurred in and returned to the Senate:

Senate Bill No. 380, introduced by Ryan

Senate Bill No. 419, introduced by Blaylock

The following Senate Bill was on 3/31/81, not concurred in and returned to the Senate:

Senate Bill No. 222, introduced by Kolstad (45-52)

The following Senate Joint Resolution was on 3/31/81, concurred in as amended, and returned to the Senate for concurrence in House Amendments:

Senate Joint Resolution No. 19, introduced by Dover (85-11)

The following Senate Bills were on 3/31/81, concurred in and returned to the Senate:

Senate Bill No. 47, introduced by Severson (87-9)

Senate Bill No. 55, introduced by B. Brown (96-0)

Senate Bill No. 57, introduced by B. Brown (83-0)

Senate Bill No. 268, introduced by Graham (94-2)

Senate Bill No. 302, introduced by McCallum (94-2)

Senate Bill No. 303, introduced by McCallum (97-0)

Senate Bill No. 367, introduced by Keating (85-13)

Senate Bill No. 387, introduced by Himsl (95-1)

Senate Bill No. 403, introduced by Mazurek (83-14)

Senate Bill No. 404, introduced by Mazurek (92-4)

Senate Bill No. 412, introduced by S. Brown (89-9)

Senate Bill No. 448, introduced by M. Anderson (88-11)

Senate Bill No. 311, introduced by S. Brown (74-25)

Senate Bill No. 467, introduced by Ryan (94-5)

Senate Bill No. 345, introduced by Halligan (79-19)

Senate Bill No. 397, introduced by S. Brown (86-13)

Senate Bill No. 436, introduced by Himsl (99-0)

Senate Bill No. 354, introduced by S. Brown (60-39)

Senate Bill No. 432, introduced by Van Valkenburg (97-2)

Senate Bill No. 382, introduced by Turnage (99-0)

Senate Bill No. 84, introduced by B. Brown (84-15)

Senate Bill No. 175, introduced by Ochsner (89-9)

Senate Bill No. 242, introduced by Ochsner (92-6)

Senate Bill No. 246, introduced by Story (84-15)

The following Senate Bills were on 3/31/81, concurred in as amended, and returned to the Senate for concurrence in House Amendments:

Senate Bill No. 33, introduced by Goodover (90-6)

Senate Bill No. 392, introduced by S. Brown (91-5)

Senate Bill No. 426, introduced by Himsl (87-9)

Senate Bill No. 449, introduced by Turnage (88-7)

Senate Bill No. 141, introduced by Dover (86-10)

Senate Bill No. 253, introduced by Regan (88-6)

Senate Bill No. 272, introduced by Mazurek (65-29)

Senate Bill No. 287, introduced by Manley (96-0)

Senate Bill No. 292, introduced by Hager (91-5)

Senate Bill No. 376, introduced by S. Brown (61-35)

Senate Bill No. 381, introduced by Stephens (80-16)

Senate Bill No. 458, introduced by Blaylock (83-13)

Senate Bill No. 475, introduced by Mazurek (93-3)

Senate Bill No. 479, introduced by Crippen (94-2)

Senate Bill No. 288, introduced by S. Brown (91-1)

Senate Bill No. 480, introduced by Healy (85-11)

Senate Bill No. 300, introduced by Kolstad (93-3)

Senate Bill No. 139, introduced by Dover (75-21)

Senate Bill No. 243, introduced by Graham (95-1)

Senate Bill No. 96, introduced by Van Valkenburg (92-4)

Senate Bill No. 129, introduced by Turnage (87-8)

Senate Bill No. 142, introduced by Blaylock (83-13)

Senate Bill No. 219, introduced by Towe (77-19)

Senate Bill No. 231, introduced by Elliott (73-81)

Senate Bill No. 240, introduced by Hazelbaker (96-0)

Senate Bill No. 258, introduced by S. Brown (95-1)

Senate Bill No. 270, introduced by Ryan (83-12)

Senate Bill No. 298, introduced by Hazelbaker (65-31)

Senate Bill No. 305, introduced by Senate Rules Committee (79-17)

Senate Bill No. 325, introduced by Stephens (84-12)

Senate Bill No. 362, introduced by Van Valkenburg (52-44)

Senate Bill No. 115, introduced by McCallum (95-1)

Senate Bill No. 216, introduced by S. Brown (74-23)

Senate Bill No. 352, introduced by Blaylock (55-42)

Senate Bill No. 463, introduced by S. Brown (88-11)

Senate Bill No. 37, introduced by Himsl (83-7)

Senate Bill No. 212, introduced by Hager (92-6)

Senate Bill No. 107, introduced by McCallum (98-0)

Senate Bill No. 347, introduced by Galt (99-0)

Senate Bill No. 442, introduced by S. Brown (67-32)

Senate Bill No. 335, introduced by Hazelbaker (85-10)

Senate Bill No. 152, introduced by Mazurek (79-15)

Senate Bill No. 176, introduced by Stimatz (96-1)

Senate Bill No. 221, introduced by Van Valkenburg (98-0)

Senate Bill No. 286, introduced by Van Valkenburg (92-5)

Senate Bill No. 399, introduced by Manley (93-5)

Senate Bill No. 452, introduced by Himsl (89-9)

Senate Bill No. 238, introduced by Story (92-7)

Senate Bill No. 422, introduced by Graham (96-3)

Senate Bill No. 9, introduced by Norman (53-46)

Senate Bill No. 50, introduced by McCallum (79-20)

The following Senate Joint Resolution was on 3/31/81, concurred in as amended, and returned to the Senate for concurrence in House Amendments:

Senate Joint Resolution No. 21, introduced by Healy (59-38)

The following Senate Joint Resolution was on 3/31/81, concurred in and returned to the Senate:

Senate Joint Resolution No. 20, introduced by Crippen (94-1)

The following Senate Bills were on 3/31/81, concurred in and returned to the Senate:

Senate Bill No. 98, introduced by Himsl (55-42)

Senate Bill No. 138, introduced by Dover (87-9)

Senate Bill No. 468, introduced by Towe (87-9)

Senate Bill No. 291, introduced by Hager (98-0)

Senate Bill No. 411, introduced by Himsl (98-0)

The following House Joint Resolutions were on 3/31/81, passed and transmitted to the Senate for concurrence:

House Joint Resolution No. 54, introduced by Underdal (96-0)

House Joint Resolution No. 58, introduced by Nordtvedt (87-8)

The following House Bills were on 3/31/81, passed and transmitted to the Senate for concurrence:

House Bill No. 560, introduced by Committee (90-6)

House Bill No. 837, introduced by Bardanouve (91-4)

House Bill No. 853, introduced by Shontz (92-3)

House Bill No. 428, introduced by Nordvedt (86-10)

MOTIONS

Senator Himsl moved that the Joint Rules of the Forty-seventh Legislative Session be temporarily suspended in order that House Bill No. 655

be placed on Second Reading and considered on Third Reading this day. Motion carried by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Crippen, Dover, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Mazurek, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Mr. President.
Total 44

Noes: None.
Total 0

Excused: McCallum.
Total 1

Absent or not voting: Conover, Eck, Manley, Manning, Van Valkenburg.
Total 5

FIRST READING OF BILLS

The following House bills were introduced, read first time and referred to committees:

HB 428, introduced by Nordtvedt, Goodover, Fabrega. Referred to Committee on Taxation.
HB 560, introduced by Committee on Appropriations, Lund. Referred to Committee on Finance and Claims.
HB 837, introduced by Bardanouve. Referred to Committee on Finance and Claims.
HB 853, introduced by Shontz, Lory, Van Valkenburg, Dover, Keating, Quilici. Referred to Committee on Finance and Claims.

The following House Joint Resolutions were introduced, read first time and referred to committees:

HJR 54, introduced by Underdal, Conroy, Kanduch, Switzer, Burnett, J. Ryan, Dussault, Sivertsen, Manuel, Kennerly, Abrams, Sales, Bertelsen, Thoft, Kropp, Ellison, C. Smith, Ellerd, Vinger. Referred to Committee on Agriculture, Livestock and Irrigation.
HJR 58, introduced by Nordtvedt, Sales, Ellerd, Wallin. Referred to Committee on State Administration.

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Hager in the Chair.

Senate resumed. President Pro Tempore Kolstad in the Chair.

Mr. President Pro Tempore: We, your Committee of the Whole, having had under consideration business on Second Reading, recommend as follows:

That Senate Bill No. 460 do pass by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.

Total 49

Noes: None.
Total 0

Excused: McCallum.
Total 1

Absent or not voting: None.
Total 0

That House Bill No. 13 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: McCallum.
Total 1

Absent or not voting: None.
Total 0

That House Bill No. 397 pass consideration. Unanimously passed.

That House Bill No. 561 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Severson, Smith, Stephens, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 45

Noes: Boylan, Hafferman, Ryan, Stimatz.
Total 4

Excused: McCallum.
Total 1

Absent or not voting: None.
Total 0

That House Bill No. 622 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.

Total 0

Excused: McCallum.
Total 1

Absent or not voting: None.
Total 0

That House Bill No. 804 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: McCallum.
Total 1

Absent or not voting: None.
Total 0

That Senate Bill No. 150 do pass by the following vote:

Ayes: Aklestad, Anderson, Berg, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Elliott, Etchart, Galt, Goodover, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Tveit, Van Valkenburg, Mr. President.
Total 45

Noes: Blaylock, Eck, Graham, Towe.
Total 4

Excused: McCallum.
Total 1

Absent or not voting: None.
Total 0

That Senate Bill No. 200 do pass. Motion failed by the following vote:

Ayes: Anderson, Boylan, B. Brown, Crippen, Elliott, Etchart, Goodover, Hafferman, Hazelbaker, Himsl, Johnson, Keating, Kolstad, Lee, Manley, Nelson, Ochsner, O'Hara, Olson, Severson, Stephens, Tveit.
Total 22

Noes: Aklestad, Berg, Blaylock, S. Brown, Conover, Eck, Galt, Graham, Haffey, Halligan, Hammond, Healy, Jacobson, Manning, Mazurek, Norman, Regan, Ryan, Smith, Stimatz, Story, Towe, Van Valkenburg.
Total 23

Excused: McCallum.
Total 1

Absent or not voting: Dover, Hager, Thomas, Mr. President.
Total 4

That Senate Bill No. 200 be indefinitely postponed. Motion failed by the following vote:

Ayes: Berg, Blaylock, S. Brown, Conover, Eck, Graham, Haffey, Halligan, Healy, Jacobson, Manning, Norman, Regan, Ryan, Smith, Stimatz, Towe, Van Valkenburg.
Total 18

Noes: Aklestad, Anderson, Boylan, B. Brown, Crippen, Dover, Elliott, Etchart, Galt, Goodover, Hafferman, Hager, Hammond, Hazelbaker, Himsl, Johnson, Keating, Kolstad, Lee, Manley, Mazurek, Nelson, Ochsner, O'Hara, Olson, Severson, Stephens, Story, Thomas, Tveit, Mr. President.
Total 31

Excused: McCallum.
Total 1

Absent or not voting: None.
Total 0

That Senate Bill No. 252 do pass by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, B. Brown, S. Brown, Crippen, Eck, Elliott, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Mazurek, Norman, O'Hara, Olson, Regan, Stephens, Stimatz, Thomas, Towe, Van Valkenburg, Mr. President.
Total 34

Noes: Boylan, Conover, Etchart, Hafferman, Manley, Manning, Nelson, Ochsner, Ryan, Severson, Smith, Story, Tveit.
Total 13

Excused: McCallum.
Total 1

Absent or not voting: Dover, Lee.
Total 2

That the Committee rise and report and beg leave to sit again. (Hager, Chairman)

Upon motion of Senator Hager, duly carried, the foregoing Report of the Commitee of the Whole was adopted.

At the request of the President Pro Tempore, and without objection, the Senate reverted to Order of Business No. 6.

MOTIONS

Senator Stephens moved, duly carried, that the Senate recess at the hour of 4:06 p.m. until the hour of 4:45 p.m.

Senator Himsl moved, duly carried, that House Bill No. 655 be placed at the top of the board this day.

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Hager in the Chair.

Senate resumed. President Pro Tempore Kolstad in the Chair.

Mr. President Pro Tempore: We, your Committee of the Whole, having had under consideration business on Second Reading, recommend as follows:

That House Bill No. 655 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: McCallum.
Total 1

Absent or not voting: None.
Total 0

That Senate Bill No. 283 be amended. Motion failed by the following vote:

Ayes: Anderson, Berg, Blaylock, S. Brown, Conover, Eck, Graham, Hafferman, Haffey, Halligan, Healy, Jacobson, Manning, Mazurek, Regan, Ryan, Smith, Stimatz, Towe, Van Valkenburg.
Total 20

Noes: Aklestad, B. Brown, Crippen, Dover, Elliott, Etchart, Galt, Goodover, Hager, Hammond, Hazelbaker, Himsl, Johnson, Keating, Kolstad, Lee, Nelson, Ochsner, O'Hara, Olson, Severson, Stephens, Tveit, Mr. President.
Total 24

Excused: McCallum.
Total 1

Absent or not voting: Boylan, Manley, Norman, Story, Thomas.
Total 5

That Senate Bill No. 283 do pass by the following vote:

Ayes: Aklestad, Anderson, Berg, B. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manning, Mazurek, Nelson, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Mr. President.
Total 42

Noes: Blaylock, Boylan, S. Brown, Graham, Norman, Van Valkenburg.
Total 6

Excused: McCallum.
Total 1

Absent or not voting: Manley.
Total 1

That Senate Bill No. 200, without objection, be moved under Senate Bill No. 356 this day.

That Senate Bill No. 355 do pass by the following vote:

Ayes: Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Elliott, Goodover, Graham, Hafferman, Haffey, Halligan, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Kolstad, Manning, Mazurek, Norman, O'Hara, Olson, Regan, Stephens, Stimatz, Thomas, Towe, Van Valkenburg.
Total 31

Noes: Aklestad, Dover, Etchart, Galt, Hager, Hammond, Keating, Lee, Nelson, Ochsner, Severson, Smith, Story, Tveit.
Total 14

Excused: McCallum.
Total 1

Absent or not voting: Eck, Manley, Ryan, Mr. President.
Total 4

That Senate Bill No. 356, without objection, be moved to the bottom of the board.

That Senate Bill No. 200 be amended as follows:

1. Title, line 10.
Following: "EFFECTIVE"
Strike: "AND"
Insert: ","
Following: "APPLICABILITY"
Strike: "DATE"
Insert: ", AND TERMINATION DATES"

2. Page 5, line 20.
Following: "to"
Insert: "the"

3. Page 5, line 21.
Following: "31,"
Strike: "1979"
Insert: "1980"

4. Page 5, line 22.
Following: "date"
Insert: "— termination date"

5. Page 5, line 23.
Following: "approval"
Insert: "and terminates and shall not apply to any taxable year after December 31, 1981"

Amendments passed by the following vote:

Ayes: Aklestad, Anderson, Berg, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Goodover, Graham, Hafferman, Haffey, Halligan, Hammond, Healy, Himsl, Jacobson, Johnson, Kolstad, Manning, Mazurek, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 41

Noes: Hager, Hazelbaker, Keating, Lee, Ryan.
Total 5

Excused: McCallum.

Total 1

Absent or not voting: Blaylock, Galt, Manley.
Total 3

That Senate Bill No. 200, as amended, do pass by the following vote:

Ayes: Anderson, B. Brown, Crippen, Dover, Elliott, Etchart, Galt, Goodover, Hafferman, Hager, Hammond, Hazelbaker, Himsl, Johnson, Keating, Kolstad, Lee, Ochsner, O'Hara, Olson, Severson, Stephens, Story, Thomas, Mr. President.
Total 25

Noes: Aklestad, Berg, Blaylock, Boylan, S. Brown, Conover, Eck, Graham, Haffey, Halligan, Healy, Jacobson, Manning, Mazurek, Nelson, Norman, Regan, Ryan, Smith, Stimatz, Towe, Tveit, Van Valkenburg.
Total 23

Excused: McCallum.
Total 1

Absent or not voting: Manley.
Total 1

That the Committee rise and report. (Hager, Chairman)

Upon motion of Senator Hager, duly carried, the foregoing Report of the Committee of the Whole was adopted.

THIRD READING OF BILLS

The following bill having been read three several times, title and history agreed to, was disposed of in the following manner:

House Bill No. 655 was concurred in by the following vote:

Ayes: Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Etchart, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Kolstad, Lee, Manning, Mazurek, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 42

Noes: Aklestad, Elliott, Keating, Story.
Total 4

Excused: McCallum.
Total 1

Absent or not voting: Galt, Johnson, Manley.
Total 3

At the request of the President Pro Tempore, and without objection, the Senate reverted to Order of Business No. 2.

REPORTS OF STANDING COMMITTEES

LEGISLATIVE ADMINISTRATION (Kolstad, Chairman):
Respectfully reports as follows:

That the following attache of the Senate be reclassified retroactively to February 14, 1981 at the hour of 8:00 a.m.

Dorothy Zur-Muehlen from Asst. Journal Clerk to Chief Journal Clerk

Report adopted.

BILLS (O'Hara, Chairman):
Signed by the Speaker of the House and President of the Senate, 4/1/81, at the hour of 4:50 p.m., delivered to the Governor for his approval - SB 110, SB 137, SB 368, SB 330. Report adopted.

I have examined Senate Bill No. 166 introduced by me and find the same to be correct. (E. Smith)

I have examined Senate Bill No. 217 introduced by me and find the same to be correct. (S. Brown)

I have examined Senate Joint Resolution No. 16 introduced by me and find the same to be correct. (Galt)

Correctly enrolled - SB 166, SB 217, SJR 16. Report adopted.

The Senate will please take note that the President did, at the hour of 1:00 p.m., 4/1/81, sign the following bills:
SB 166, SB 217, HB 66, HB 167, HB 197, HB 220, HB 238, HB 239, HB 246, HB 305, HB 343, HB 357, HB 377, HB 378, HB 380, HB 437, HB 504, HB 517, HB 618, HB 629, HB 824, SJR 16, HJR 40, HJR 41.

Jean A. Turnage
President

Upon motion of Senator Stephens, duly carried, the Senate adjourned at 5:49 p.m. until Thursday, April 2, at the hour of 1:30 p.m.

ALLEN C. KOLSTAD
President Pro Tempore of the Senate

JOHN W. LARSON
Secretary of the Senate

SEVENTY-THIRD LEGISLATIVE DAY

Helena, Montana
April 2, 1981

Senate Chambers
Capitol Building

Senate convened at 1:30 p.m., President Turnage presiding. Invocation by the Chaplain. Pledge of Allegiance to the Flag.

Roll call. All members present except McCallum, Blaylock, Galt, Manning, excused. Quorum present.

Mr. President: We, your Committee on Bills and Journal, having examined the daily journal for the Seventy-second Legislative Day, find the same to be correct.

O'HARA, Chairman

REPORTS OF STANDING COMMITTEES

BILLS (O'Hara, Chairman):
Correctly engrossed - SB 150, SB 252, SB 283, SB 460. Report adopted.

PRINTING (O'Hara, Chairman):
Correctly printed and placed on the members' desks - SB 172, SJR 33. Report adopted.

MESSAGES FROM THE GOVERNOR

April 1, 1981

The Honorable Jean Turnage
President of the Senate
State Capitol
Helena, Montana 59620

Dear Mr. President:

This is to inform you that I have signed the following measures this date:

Senate Bill Nos. 275, 336, 328, 350, 445, 276, 405, 245, 306, 284.

Sincerely,

TED SCHWINDEN
Governor

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following House Bill was on 4/1/81, passed and transmitted to the Senate for concurrence:

House Bill No. 718, introduced by Ellison (72-15)

The following Senate Bill was on 4/1/81, on Standing Committee Report, not concurred in and returned to the Senate:

Senate Bill No. 457, introduced by Dover

MOTIONS

Senator Stephens moved, duly carried, that Senate Bill No. 15, now in the Committee on Bills and Journal, be rereferred to the Committee on Rules.

FIRST READING OF BILLS

The following House bill was introduced, read first time and referred to committee:

HB 718, introduced by Ellison, McLane, Marks, Curtiss, Conroy, Moore, Underdal, Seifert, Hemstad, Burnett, Schultz, Kanduch, Asay, Phillips, Ernst, Stobie, C. Smith, Devlin, Winslow, Thoft, Donaldson, Jensen, Matsko, Feda, Quilici, Pavlovich, Ellerd, Spilker. Referred to Committee on Taxation.

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Hafferman in the Chair.

Senate resumed. President Turnage in the Chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on Second Reading, recommend as follows:

That House Bill No. 397 pass consideration. Unanimously passed.

That Senate Bill No. 356, without objection, be moved to the bottom of the board.

That Senate Bill No. 383 do pass by the following vote:

Ayes: Aklestad, Anderson, Berg, B. Brown, Conover, Galt, Goodover, Graham, Hafferman, Haffey, Hazelbaker, Healy, Himsl, Jacobson, Kolstad, Lee, Norman, Ochsner, O'Hara, Regan Ryan, Severson, Stephens, Stimatz, Story, Towe, Mr. President.
Total 27

Noes: S. Brown, Crippen, Dover, Eck, Elliott, Etchart, Hager, Halligan, Hammond, Johnson, Keating, Mazurek, Nelson, Olson, Smith, Tveit, Van Valkenburg.
Total 17

Excused: Blaylock, Manning, McCallum.
Total 3

Absent or not voting: Boylan, Manley, Thomas.
Total 3

That House Bill No. 92 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Manley, Manning, Mazurek, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: Lee.
Total 1

Excused: McCallum.
Total 1

Absent or not voting: None.
Total 0

That House Bill No. 223 be concurred in by the following vote:

Ayes: Aklestad, Blaylock, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Kolstad, Lee, Manning, Mazurek, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Tveit, Van Valkenburg, Mr. President.
Total 40

Noes: Berg, Towe.
Total 2

Excused: McCallum.
Total 1

Absent or not voting: Anderson, Boylan, Jacobson, Johnson, Keating, Manley, Thomas.
Total 7

That House Amendments to Senate Bill No. 239 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: McCallum.
Total 1

Absent or not voting: None.
Total 0

That House Amendments to Senate Bill No. 308 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: McCallum.
Total 1

Absent or not voting: None.
Total 0

That House Amendments to Senate Bill No. 316 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: McCallum.
Total 1

Absent or not voting: None.
Total 0

That House Amendments to Senate Bill No. 341 be not concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: McCallum.
Total 1

Absent or not voting: None.
Total 0

That House Amendments to Senate Bill No. 363 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: McCallum.
Total 1

Absent or not voting: None.
Total 0

That House Amendments to Senate Bill No. 434 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: McCallum.
Total 1

Absent or not voting: None.
Total 0

That House Amendments to Senate Bill No. 456 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: McCallum.
Total 1

Absent or not voting: None.
Total 0

That the Free Conference Committee Report on Senate Bill No. 125 be adopted by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Manley, Manning, Mazurek, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 46

Noes: Galt, Lee, Nelson.
Total 3

Excused: McCallum.
Total 1

Absent or not voting: None.
Total 0

That the Joint Conference Committee Report on House Bill No. 301 pass consideration. Unanimously passed.

Senator Hafferman relinquished the Chair.

Senator S. Brown assumed the Chair.

That the Governors Amendments to Senate Bill No. 41 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: McCallum.
Total 1

Absent or not voting: None.
Total 0

Senator S. Brown relinquished the Chair.

Senator Hafferman assumed the Chair.

That House Amendments to Senate Bill No. 162 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: McCallum.
Total 1

Absent or not voting: None.
Total 0

That House Amendments to Senate Bill No. 278 be concurred in by the following vote:

Ayes: Aklestad, Anderson, S. Brown, Crippen, Dover, Etchart, Galt, Goodover, Graham, Hafferman, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Nelson, O'Hara, Olson, Ryan, Smith, Stephens, Stimatz, Tveit, Van Valkenburg.
Total 28

Noes: Berg, Blaylock, B. Brown, Conover, Eck, Halligan, Mazurek, Norman, Ochsner, Regan, Towe.
Total 11

Excused: McCallum.
Total 1

Absent or not voting: Boylan, Elliott, Haffey, Hager, Manley, Manning, Severson, Story, Thomas, Mr. President.
Total 10

That House Amendments to Senate Bill No. 320 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: McCallum.
Total 1

Absent or not voting: None.
Total 0

That House Amendments to Senate Bill No. 321 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: McCallum.
Total 1

Absent or not voting: None.
Total 0

That House Amendments to Senate Bill No. 342 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: McCallum.
Total 1

Absent or not voting: None.
Total 0

That House Amendments to Senate Bill No. 370 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: McCallum.
Total 1

Absent or not voting: None.
Total 0

That Senate Bill No. 356 do pass by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Eck, Etchart, Goodover, Graham, Haffey, Halligan, Hammond, Hazelbaker, Healy, Jacobson, Johnson, Manning, Mazurek, Norman, O'Hara, Regan, Ryan, Severson, Stephens, Stimatz, Thomas, Towe, Van Valkenburg, Mr. President.
Total 32

Noes: Crippen, Dover, Elliott, Galt, Hafferman, Hager, Himsl, Keating, Kolstad, Lee, Manley, Nelson, Ochsner, Olson, Smith, Story, Tveit.
Total 17

Excused: McCallum.
Total 1

Absent or not voting: None.
Total 0

That Senate Bill No. 383 be segregated from the Committee of the Whole Report. Motion failed by the following vote:

Ayes: Anderson, Blaylock, Boylan, S. Brown, Crippen, Dover, Eck, Elliott, Etchart, Galt, Hafferman, Hager, Halligan, Hammond, Keating, Manley, Mazurek, Nelson, O'Hara, Olson, Regan, Thomas, Tveit, Van Valkenburg.
Total 24

Noes: Aklestad, Berg, B. Brown, Conover, Goodover, Graham, Haffey, Hazelbaker, Healy, Himsl, Johnson, Kolstad, Lee, Manning, Norman, Ochsner, Ryan, Severson, Smith, Stephens, Stimatz, Story, Towe, Mr. President.
Total 24

Excused: McCallum.
Total 1

Absent or not voting: Jacobson.
Total 1

That the Committee rise and report. (Hafferman, Chairman)

Upon motion of Senator Hafferman, duly carried, the foregoing Report of the Committee of the Whole was adopted.

At the request of the President, and without objection, the Senate reverted to Order of Business No. 2.

REPORTS OF STANDING COMMITTEES

BILLS (O'Hara, Chairman):
Correctly engrossed - SB 200. Report adopted.

Correctly enrolled - SB 58. Report adopted.

I have examined Senate Bill No. 58, introduced by me and find the same to be correct. (Van Valkenburg)

The Senate will please take note that the President did, at the hour of 2:00 p.m., 4/2/81, sign the following bill:
SB 58.

Jean A. Turnage
President

MOTIONS

Senator Mazurek moved, duly carried, that the President be authorized to appoint a Free Conference Committee on House Amendments to Senate Bill No. 341.

The President appointed the following committee:

Senator O'Hara, Chairman
Senator Hammond
Senator Mazurek

Upon motion of Senator Stephens, duly carried, the Senate adjourned at 3:31 p.m. until Friday, April 3, at the hour of 1:30 p.m.

JEAN A. TURNAGE
President of the Senate

JOHN W. LARSON
Secretary of the Senate

SEVENTY-FOURTH LEGISLATIVE DAY

Helena, Montana
April 3, 1981

Senate Chambers
Capitol Building

Senate convened at 1:30 p.m., President Pro Tempore Kolstad presiding. Invocation by the Chaplain. Pledge of Allegiance to the Flag.

Roll call. All members present except Dover, Etchart, Galt, Hager, Johnson, McCallum, Ryan, Story, excused. Quorum present.

Mr. President: We, your Committee on Bills and Journal, having examined the daily journal for the Seventy-third Legislative Day, find the same to be correct.

O'HARA, Chairman

REPORTS OF STANDING COMMITTEES

BILLS (O'Hara, Chairman):
Correctly engrossed - SB 356, SB 383. Report adopted.

Signed by the Speaker of the House and President of the Senate, 4/3/81, at the hour of 10:30 a.m., delivered to the Governor for his approval - SB 58, SB 124, SB 166, SB 193, SB 195, SB 217, SB 228, SB 241, SB 273, SB 333, SB 334, SB 400, SB 461, SB 462. Report adopted.

AGRICULTURE, LIVESTOCK AND IRRIGATION (Kolstad, Vice-Chairman):
HJR 54, be concurred in. Report adopted.

FINANCE AND CLAIMS (Himsl, Chairman):
HB 664, be not concurred in.

Thereupon, the Adverse Committee Report was adopted by the following roll call vote:

Ayes: Aklestad, Anderson, Blaylock, Conover, Crippen, Dover, Elliott, Goodover, Graham, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Keating, Kolstad, Lee, Manley, Manning, Nelson, Norman, Ochsner, Olson, Severson, Smith, Stephens, Story, Tveit, Mr. President.
Total 29

Noes: Berg, Boylan, B. Brown, S. Brown, Eck, Hafferman, Haffey, Halligan, Mazurek, O'Hara, Regan, Ryan, Stimatz, Towe, Van Valkenburg.
Total 15

Excused: McCallum.
Total 1

Absent or not voting: Etchart, Galt, Hager, Johnson, Thomas.
Total 5

MESSAGES FROM THE GOVERNOR

April 2, 1981

The Honorable Jean Turnage
President of the Senate
State Capitol
Helena, Montana 59620

Dear Mr. President:

This is to inform you that I have signed the following measures this date:

Senate Bill Nos. 83, 314, 312, 427, 424, 279, 230, 407, 309, 310.

Sincerely,

TED SCHWINDEN
Governor

April 2, 1981

The Honorable Jean Turnage
President of the Senate
State Capitol
Helena, Montana 59620

The Honorable Robert L. Marks
Speaker of the House
State Capitol
Helena, Montana 59620

Dear Senator Turnage and Representative Marks:

In accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby return Senate Bill No. 414, "AN ACT TO CLARIFY THE LAW WHICH ADDRESSES THE CONDITIONS UNDER WHICH THE CHANGE OF OWNERSHIP LIVESTOCK INSPECTION REQUIREMENTS DO NOT APPLY; AMENDING SECTION 81-3-211, MCA," without my signature and recommend the attached amendments for the following reasons.

The amendment I am proposing to Senate Bill No. 414, is necessary to clarify the intent of the Legislature with respect to House Bill No. 860 (Chapter 196, Laws 1981). House Bill No. 860 attempted to remove a potential hardship caused by the immediate effective date of House Bill No. 247 (Chapter 111, Laws 1981) by changing the effective date of House Bill No. 247 to January 1, 1982. House Bill No. 247 imposes a brucellosis vaccination requirement on certain female cattle imported into Montana.

House Bill No. 860 should have contained an immediate effective date. Without an immediate effective date, Section 1-2-201, MCA, provides that a bill takes effect on the first day of July following its passage and approval. Since an immediate effective date was not contained in House Bill No. 860, the immediate effective date of House Bill No. 247 was not successfully delayed until January 1, 1982. Therefore the hardships immediately imposed on affected persons have not been mitigated or eliminated. Senate Bill No. 414 is returned for amendment to make House Bill No. 860 effective on passage and approval of Senate Bill No. 414.

I urge your concurrence in these amendments.

Sincerely,

TED SCHWINDEN
Governor

PROPOSED GOVERNOR'S AMENDMENTS TO SENATE BILL NO. 414

1. Title, line 8.
Following: "APPLY"

Insert: "AND TO CLARIFY THE DATE ON WHICH THE BRUCELLOSIS VACCINATION REQUIREMENT IS EFFECTIVE; PROVIDING AN EFFECTIVE DATE FOR THE LATTER CLARIFICATION"

2. Page 7, line 8.
Following: line 7
Insert: "Section 2. Effective date of brucellosis vaccination requirement. (1) Chapter 196 of the Laws of 1981 is effective on the effective date of this subsection.
(2) Subsection (1) is effective on passage and approval."

April 2, 1981

The Honorable Jean A. Turnage
President of the Senate
State Capitol
Helena, Montana 59620

The Honorable Robert L. Marks
Speaker of the House
State Capitol
Helena, Montana 59620

Dear Senator Turnage and Representative Marks:

In accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby veto Senate Bill No. 226, "AN ACT TO AMEND SECTION 39-51-204, MCA, TO EXCLUDE TREE-THINNING CONTRACTORS WHO SATISFY CERTAIN CONDITIONS FROM THE DEFINITION OF "EMPLOYMENT"; AND PROVIDING AN EFFECTIVE DATE OF MAY 1, 1981."

If Senate Bill No. 226 became law, tree thinners would be the only workers in the State of Montana to pay for their own coverage for workers' compensation insurance. Senate Bill No. 226 would shift the burden of providing workers' compensation coverage from an employer to an employee for the first time since the enactment of Workers' Compensation in 1915.

Significantly, the bill does not attempt to define tree thinners as independent contractors; it exempts them from the legal definition of employment for the purposes of unemployment insurance and workers compensation. It places tree thinners in the same category as individuals exempted in such categories as delivery of newspapers by an individual under the age of 18, a patient in a hospital performing services for that hospital, an inmate in a prison performing services for that institution, and minor children employed by their parents in a family-owned business.

Exempting tree thinners represents a significant departure from the current exemption criteria. All current exemptions are included in the federal statutes and are adopted by the state for consistency; tree thinners would be the first exemption from the definition of employment that is not contained in the federal statutes.

Enactment of Senate Bill No. 226 would open the door for potential abuse of this statute. Wood products workers are employed in the second most dangerous occupation in the state, and their workers' compensation coverage is expensive. Enactment of SB No. 226 would encourage employers in the wood products and other industries to try to re-classify other employees to avoid payment of unemployment insurance and workers' compensation coverage.

Senate Bill No. 226 also creates administrative difficulties for the workers' compensation program. Since the bill requires each individual tree thinner to pay for his own workers' compensation coverage, the Division would be required to maintain separate files, take separate payments and keep records on each individual tree thinner employed in Montana. In contrast to the current situation where the Workers' Compensation Division has contracts with the major employers who hire tree thinners, the state of Montana would have approximately 2,000 separate contracts with individual tree thinners. Because of the seasonable nature of their employment, those individuals are difficult to contact through normal business channels. As a result, many tree thinners may not bother to register for workers' compensation even though they would be required to by law. A substantial drain on the Unemployment Insurers Fund could ensue if these people injure themselves without having coverage as provided by law.

For these reasons, I hereby veto SB 226.

Sincerely,

TED SCHWINDEN
Governor

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following House Bills were on 4/3/81, passed and transmitted to the Senate for concurrence:

House Bill No. 42, introduced by Nordtvedt (82-6)

House Bill No. 258, introduced by Hemstad (82-9)

House Bill No. 307, introduced by Yardley (76-13)

House Bill No. 542, introduced by Ellison (91-0)

The following Senate Bills were on 4/2/81, on Second Reading, not concurred in, and returned to the Senate:

Senate Bill No. 4, introduced by Galt

Senate Bill No. 113, introduced by S. Brown

MOTIONS

Senator Stephens moved, duly carried, that the Senate recess at the hour of 1:39 p.m. until the hour of 2:15 p.m.

Senator Halligan moved, duly carried, that the House Amendments to Senate Bill No. 320 be taken from the Committee on Bills and Journal and placed on Second Reading.

Senator Turnage moved, duly carried, that consideration of House Bill No. 397 be deferred until Wednesday, April 8, 1981.

Senator Crippen moved, duly carried, that consideration of House Amendments to Senate Bill No. 96 be deferred until Monday, April 6, 1981.

Senator Crippen moved, duly carried, that consideration of House Amendments to Senate Bill No. 221 be deferred until Monday, April 6, 1981.

Senator Mazurek moved that Senate Bill No. 339 be taken from the Committee on Taxation and be printed and placed on Second Reading. Motion failed by the following vote:

Ayes: Anderson, Berg, Blaylock, Boylan, S. Brown, Conover, Crippen, Eck, Graham, Hafferman, Haffey, Halligan, Healy, Jacobson, Lee, Manning, Mazurek, Regan, Ryan, Stimatz, Thomas, Towe, Van Valkenburg.
Total 23

Noes: Aklestad, B. Brown, Dover, Elliott, Etchart, Galt, Goodover, Hager, Hammond, Hazelbaker, Himsl, Johnson, Keating, Kolstad, Manley, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Severson, Smith, Stephens, Story, Tveit, Mr. President.
Total 27

Excused: None.
Total 0

Absent or not voting: None.
Total 0

(Including the following pairs: Blaylock, aye - McCallum, no; Mazurek, aye - Galt, no.)

FIRST READING OF BILLS

The following House bills were introduced, read first time and referred to committees:

HB 42, introduced by Nordtvedt. Referred to Committee on Taxation.
HB 258, introduced by Hemstad, Marks, Conn, Sivertsen, Gould, Bergene, Pavlovich, Brand, Seifert, Bennett, Donaldson, Kanduch, Metcalf, Nordtvedt, Jacobsen, Devlin, Switzer, Nilson, R. Manning. Referred to Committee on State Administration.
HB 307, introduced by Yardley, (By Request of the Department of Health and Environmental Sciences). Referred to Committee on Finance and Claims.
HB 542, introduced by Ellison, McLane, Burnett, Roth, Quilici, Kanduch, Asay, Huennekens, Daily, D. Brown, Harrington, Pavlovich, Hurwitz, Bergene. Referred to Committee on Finance and Claims.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

Senate Bill No. 150 was passed by the following vote:

Ayes: Aklestad, Anderson, Berg, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Elliott, Etchart, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, Nelson, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Tveit, Van Valkenburg, Mr. President.
Total 44

Noes: Blaylock, Eck, Norman, Towe.
Total 4

Excused: Galt, McCallum.
Total 2

Absent or not voting: None.
Total 0

Senate Bill No. 200 was passed by the following vote:

Ayes: Aklestad, Anderson, B. Brown, Crippen, Dover, Elliott, Etchart, Galt, Goodover, Hafferman, Hager, Hammond, Hazelbaker, Himsl,

Johnson, Keating, Kolstad, Lee, Manley, McCallum, Nelson, Ochsner, O'Hara, Olson, Severson, Stephens, Story, Thomas, Tveit, Mr. President.
Total 30

Noes: Berg, Blaylock, Boylan, S. Brown, Conover, Eck, Graham, Haffey, Halligan, Healy, Jacobson, Manning, Mazurek, Norman, Regan, Ryan, Smith, Stimatz, Towe, Van Valkenburg.
Total 20

Excused: None.
Total 0

Absent or not voting: None.
Total 0

(Including the following pairs: McCallum, aye - Blaylock, no; Galt, aye Smith, no.)

Senate Bill No. 252 was passed by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, B. Brown, S. Brown, Crippen, Dover, Eck, Elliott, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Manning, Mazurek, Nelson, Norman, O'Hara, Olson, Regan, Ryan, Smith, Stephens, Stimatz, Story, Thomas, Towe, Van Valkenburg, Mr. President.
Total 39

Noes: Boylan, Conover, Etchart, Hammond, Lee, Manley, Ochsner, Severson, Tveit.
Total 9

Excused: Galt, McCallum.
Total 2

Absent or not voting: None.
Total 0

Senate Bill No. 283 was passed by the following vote:

Ayes: Aklestad, Anderson, Berg, Boylan, B. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Goodover, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, Nelson, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Mr. President.
Total 43

Noes: Blaylock, S. Brown, Graham, Norman, Van Valkenburg.
Total 5

Excused: Galt, McCallum.
Total 2

Absent or not voting: None.
Total 0

Senate Bill No. 460 was passed by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith,

Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Galt, McCallum.
Total 2

Absent or not voting: None.
Total 0

House Bill No. 13 was concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 45

Noes: Hafferman, Johnson, Ryan.
Total 3

Excused: Galt, McCallum.
Total 2

Absent or not voting: None.
Total 0

House Bill No. 561 was concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Goodover, Haffey, Hager, Halligan, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Manning, Mazurek, Norman, Ochsner, O'Hara, Regan, Severson, Stephens, Stimatz, Story, Thomas, Towe, Van Valkenburg, Mr. President.
Total 37

Noes: Boylan, Graham, Hafferman, Hammond, Lee, Manley, Nelson, Olson, Ryan, Smith, Tveit.
Total 11

Excused: Galt, McCallum.
Total 2

Absent or not voting: None.
Total 0

House Bill No. 622 was concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 44

Noes: B. Brown, Etchart, Himsl, Stimatz.
Total 4

Excused: Galt, McCallum.

Total 2

Absent or not voting: None.
Total 0

House Bill No. 804 was concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Mazurek, Nelson, Norman, Ochsner, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 46

Noes: None.
Total 0

Excused: Galt, McCallum.
Total 2

Absent or not voting: Manning, O'Hara.
Total 2

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Anderson in the Chair.

Senate resumed. President Pro Tempore Kolstad in the Chair.

Mr. President Pro Tempore: We, your Committee of the Whole, having had under consideration business on Second Reading, recommend as follows:

That the Joint Conference Committee Report on House Bill No. 301 be rejected by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Galt, McCallum.
Total 2

Absent or not voting: None.
Total 0

That Senate Bill No. 172 do pass. Motion failed by the following vote:

Ayes: Anderson, Berg, Boylan, S. Brown, Eck, Elliott, Etchart, Graham, Hager, Halligan, Lee, Manley, Norman, Ochsner, Regan, Ryan, Severson, Story, Towe, Tveit, Van Valkenburg.
Total 21

Noes: Aklestad, Blaylock, B. Brown, Conover, Crippen, Dover, Goodover, Haffey, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating,

Kolstad, Manning, Mazurek, Nelson, O'Hara, Olson, Smith, Stephens, Stimatz, Thomas, Mr. President.
Total 26

Excused: Galt, McCallum.
Total 2

Absent or not voting: Hafferman.
Total 1

That Senate Bill No. 172 be indefinitely postponed. Motion carried by the following vote:

Ayes: Aklestad, Blaylock, Boylan, B. Brown, Conover, Crippen, Dover, Haffey, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Kolstad, Manning, Mazurek, Nelson, Ochsner, O'Hara, Regan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Tveit, Mr. President.
Total 30

Noes: Anderson, Berg, S. Brown, Eck, Elliott, Etchart, Goodover, Graham, Hafferman, Hager, Keating, Lee, Manley, Norman, Olson, Ryan, Towe, Van Valkenburg.
Total 18

Excused: Galt, McCallum.
Total 2

Absent or not voting: None.
Total 0

That Senate Joint Resolution No. 33 do pass by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Galt, McCallum.
Total 2

Absent or not voting: None.
Total 0

That House Bill No. 34 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Galt, McCallum.
Total 2

Absent or not voting: None.
Total 0

That House Joint Resolution No. 47 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, Nelson, Norman, Ochsner, O'Hara, Olson, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 46

Noes: S. Brown, Regan.
Total 2

Excused: Galt, McCallum.
Total 2

Absent or not voting: None.
Total 0

That House Amendments to Senate Bill No. 292, without objection, be moved to the bottom of the board.

That House Amendments to Senate Bill No. 390 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Galt, McCallum.
Total 2

Absent or not voting: None.
Total 0

That House Amendments to Senate Bill No. 391 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Galt, McCallum.
Total 2

Absent or not voting: None.
Total 0

That House Amendments to Senate Bill No. 398 be concurred in by the following vote:

Ayes: Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Eck, Elliott, Etchart, Hafferman, Halligan, Hazelbaker, Healy, Himsl, Jacobson, Manning, Mazurek, Nelson, Ochsner, Olson, Ryan, Towe.
Total 23

Noes: Aklestad, Crippen, Dover, Goodover, Haffey, Hager, Hammond, Johnson, Keating, Kolstad, Lee, Norman, O'Hara, Regan, Severson, Smith, Stephens, Story, Thomas, Mr. President.
Total 20

Excused: Galt, McCallum.
Total 2

Absent or not voting: Graham, Manley, Stimatz, Tveit, Van Valkenburg.
Total 5

That House Amendments to Senate Bill No. 418 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Galt, McCallum.
Total 2

Absent or not voting: None.
Total 0

That House Amendments to Senate Bill No. 428, without objection, be moved to the bottom of the board.

That House Amendments to Senate Bill No. 481 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Tveit, Van Valkenburg, Mr. President.
Total 47

Noes: Towe.
Total 1

Excused: Galt, McCallum.

Total 2

Absent or not voting: None.
Total 0

That the Governor's Amendments to Senate Bill No. 49 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Galt, McCallum.
Total 2

Absent or not voting: None.
Total 0

That the Governor's Amendments to Senate Bill No. 78 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Galt, McCallum.
Total 2

Absent or not voting: None.
Total 0

That the Governor's Amendments to Senate Bill No. 85 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Galt, McCallum.
Total 2

Absent or not voting: None.
Total 0

That the Governor's Amendments to Senate Bill No. 161 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Galt, McCallum.
Total 2

Absent or not voting: None.
Total 0

That the Governor's Amendments to Senate Bill No. 459 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Galt, McCallum.
Total 2

Absent or not Voting: None.
Total 0

That House Amendments to Senate Bill No. 9 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Galt, McCallum.
Total 2

Absent or not voting: None.

Total 0

That House Amendments to Senate Bill No. 33 be not concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Tveit, Van Valkenburg, Mr. President.
Total 47

Noes: Towe.
Total 1

Excused: Galt, McCallum.
Total 2

Absent or not voting: None.
Total 0

That the Committee rise and report and beg leave to sit again. (Anderson, Chairman)

Upon motion of Senator Anderson, duly carried, the foregoing Report of the Committee of the Whole was adopted.

At the request of the President Pro Tempore, and without objection, the Senate reverted to Order of Business No. 2.

REPORTS OF STANDING COMMITTEES

TAXATION (Goodover, Chairman):
HB 415, third reading copy, be amended as follows:

1. Title, line 5.
Following: "THAT"
Insert: "A PORTION OF THE"
Following: "GAIN"
Strike: "OR"

2. Title, line 6.
Following: line 5
Strike: "LOSS"

3. Title, line 10.
Following: "15-30-111"
Strike: ","

4. Title, line 11.
Following: line 10
Strike: "15-30-121"
Insert: "AND"
Following: "15-31-113,"
Strike: "AND 15-31-114,"

5. Page 3, line 16 through page 4, line 22.
Strike: Section 2 in its entirety
Renumber: subsequent sections

6. Page 5, line 5.
Following: "(ii)"
Insert: "the portion of"

7. Page 5, line 7.
Following: "331"
Strike: "or"
Insert: "through"

8. Page 5, lines 9 and 10.
Following: "renumbered)"
Strike: "if the liquidated corporation has any stockholder"
Insert: "attributable to stockholders"

9. Page 5, line 13.
Following: "the"
Strike: "stockholder"
Insert: "stockholders"

10. Page 5, line 16.
Following: "331"
Strike: "or"
Insert: "through"

11. Page 6, line 7 through page 11, line 23.
Strike: Section 4 in its entirety
Renumber: subsequent section

And, as so amended, be concurred in. Report adopted.

FINANCE AND CLAIMS (Himsl, Chairman):
HB 500, be amended as follows:

1. Page 1, line 7.
Following: "1983"
Insert: "; and providing an effective date"

2. Page 2, line 23.
Strike: lines 23 through 25 in their entirety

3. Page 3, line 1.
Strike: line 1

4. Page 6.
Following: line 25
Insert: "Section 16. Amounts appropriated for audits may be transferred between fiscal years."
Renumber: all subsequent sections

5. Page 7, line 15.
Strike: "456,224 473,685"
Insert: "489,178 506,639"

6. Page 7, line 17.
Strike: "1,828,101 1,774,563"
Insert: "1,879,829 1,801,835"

7. Page 7, line 19.
Following: "CSG"
Insert: "and NCSL"

8. Page 7, line 23.
Strike: "304,710"
Insert: "331,710"

9. Page 8, line 5.
Strike: "1,000,113 980,656"
Insert: "1,024,592 1,015,135"

10. Page 8.
Following: line 18
Insert: "8. Audit
10,000 -0- -0- -0-"

11. Page 8.
Following: line 18
Insert: "9. Water Courts Supervision
-0- 227,543 -0- 349,762"

12. Page 8, line 20.
Strike: "3,000,796 3,199,003"
Insert: "3,035,275 227,543 3,233,482 349,762"

13. Page 8.
Following: line 20
Insert: "If federal funds should be received for previously federally funded activities that have been general funded this biennium, a like amount of general fund, less matching requirements, shall be reverted to the general fund."

14. Page 8, line 23.
Strike: "777,732"
Insert: "761,732"

15. Page 9.
Following: line 16
Insert: "11. Audit
16,000 -0- -0- -0-"

16. Page 10, line 1.
Strike: "632,661"
Insert: "573,661"

17. Page 10, line 3.
Strike: "41,740 46,095"
Insert: "86,072 91,801"

18. Page 10.
Following: line 3
Insert: "3. Audit
-0- -0- 6,000 -0-"

19. Page 10.
Following: line 3
Insert: "4. Voter Information Pamphlets
-0- -0- 53,000 -0-"

20. Page 10.
Following: line 3
Insert: "5. Systems Development
111,500 -0- 88,500 -0-"

21. Page 10, line 5.
Strike: "621,892 678,756"
Insert: "777,724 812,962"

22. Page 10.
Following: line 9
Insert: "The secretary of state is directed to contract with the information systems division (ISD) for systems development."

23. Page 10.

Strike: line 11
Insert: "1. General Operations
120,466 -0- 116,992 -0-"

24. Page 10.
Following: line 11
Insert: "2. Audit
-0- -0- 3,000 -0-"

25. Page 10.
Following: line 11
Insert: "Total Commissioner of Political Practices
120,466 -0- 119,992 -0-"

26. Page 10, line 14.
Strike: "1,549,845 1,596,452"
Insert: "1,547,545 1,561,152"

27. Page 10.
Following: line 17
Insert: "3. Audit
12,300 -0- 35,300 -0-"

28. Page 10, line 19.
Strike: "1,559,845"
Insert: "1,569,845"

29. Page 11, line 5.
Strike: "7,916,003 8,260,021 7,462,203 8,438,637"
Insert: "7,939,873 8,286,861 7,504,634 8,465,477"

30. Page 11, line 11.
Strike: "37,632 40,645"
Insert: "16,500 16,500"

31. Page 11, line 17.
Strike: "37,000 4,000"
Insert: "20,500 20,500"

32. Page 12, line 3.
Strike: "32,000"
Insert: "46,000"

33. Page 12, line 6.
Strike: "8,755,244 8,270,734 8,298,358 8,443,637"
Insert: "8,755,482 8,314,074 8,316,644 8,470,477"

34. Page 13.
Following: line 2
Insert: "Salaries as established for the forensic science division may not be altered or combined during the 1983 biennium to recreate the position of director of forsenic services, which was specifically abolished by the legislature, or any other position which functions as a pathologist's assistant."

35. Page 13, line 5.
Strike: "219,400 404,100"
Insert: "218,250 391,250"

36. Page 13.
Following: line 7
Insert: "3. Audit
1,150 12,850 -0- -0-"

37. Page 14, line 13.
Strike: "22,000 66,000"
Insert: "20,625 61,875"

38. Page 14, line 15.
Strike: "203,135,647 207,561,065"
Insert: "203,134,272 207,556,940"

39. Page 14, line 16.
Strike: "During the 1983 biennium the"
Insert: "The"

40. Page 14.
Strike: line 17
Insert: "is directed to:"

41. Page 14, line 19.
Following: "be"
Insert: "operational no later than July 1, 1985 and will be"

42. Page 15, line 11.
Following: "plan"
Insert: "for all operational systems"

43. Page 15, line 13.
Following: "area,"
Insert: "proposed"

44. Page 15, line 20.
Following: "usage."
Insert: "This system will be operational no later than July 1, 1985."

45. Page 15, line 24.
Following: "plan"
Insert: "for all operational systems"

46. Page 16, line 3.
Strike: "and obtains its direction for budget submission."
Following: "items"
Insert: "."

47. Page 16, line 22.
Strike: "not"

48. Page 19, line 9.
Strike: "4,272,015 14,167,074 4,303,068 14,407,576"
Insert: "4,258,015 14,147,280 4,289,068 14,384,282"

49. Page 19, line 15.
Strike: "15,500 60,500"
Insert: "31,500 104,000 16,000 55,500"

50. Page 19.
Following: line 23
Insert: "9. Emergency District Court Funding
500,000 -0- 500,000 -0-"

51. Page 19, line 25.
Strike: "4,582,515 19,253,008 4,551,068 19,257,303"
Insert: "5,084,515 19,276,714 5,053,068 19,289,509"

52. Page 21.
Following: line 22

Insert: "Item 9 provides for emergency funding of the district courts, as defined in HB 300."

53. Page 21.
Following: line 22
Insert: "No more than $9,000 may be spent during the biennium on a consumer health education program. All funds expended must be matched by a like amount from the health insurance carrier."

54. Page 21, line 25.
Strike: "832,240"
Insert: "828,740"

55. Page 22, line 2.
Strike: "167,679 283,424 166,701 285,590"
Insert: "174,075 290,992 175,747 297,008"

56. Page 22.
Following: line 2
Insert: "3. Audit

6,150	3,850	-0-	-0-"

57. Page 22, line 4.
Strike: "999,919 971,859 1,069,566 1,039,277"
Insert: "1,008,965 983,277 1,078,612 1,050,695"

58. Page 22.
Strike: lines 9 and 10

59. Page 22, line 13.
Strike: "37,959,097 237,057,941 38,215,852 242,425,322"
Insert: "38,755,374 237,362,573 38,974,095 242,841,423"

60. Page 22.
Strike: line 20
Insert: "1. Operations

3,104,046	17,333,780	3,116,388	18,069,510"

61. Page 22.
Following: line 20
Insert: "2. Audit

	2,873	8,377	8,616	25,134
Total	3,106,919	17,342,157	3,125,004	18,094,644"

62. Page 24, line 5.
Strike: "21,199,903 23,384,217 23,584,030 24,172,714"
Insert: "21,251,903 23,263,217 23,659,030 24,172,714"

63. Page 24, line 13.
Strike: "1,128,474"
Insert: "1,126,474"

64. Page 24.
Following: line 13
Insert: "6. Audit

23,000	123,000"

65. Page 24, line 15.
Strike: "82,214,835 24,512,691 31,738,553 25,379,598"
Insert: "82,289,835 24,512,691 31,813,553 25,379,598"

66. Page 24, line 16.
Following: "is"

Insert: "no more than"

67. Page 25, line 8.
Following: "."
Strike: the remainder of line 8 and all of lines 9 through 11

68. Page 26, line 2.
Strike: ", and"
Insert: "or"

69. Page 26, line 4.
Strike: "request for"

70. Page 26, line 5.
Strike: "services."
Insert: "services during the biennuim."

71. Page 26, line 12.
Following: "from"
Strike: "June"
Insert: "July"
Following: "to"
Strike: "July"
Insert: "June"

72. Page 27, line 9.
Following: "limit"
Insert: "eligibility and"

73. Page 28, line 4.
Strike: "86,926,951 63,356,012 36,456,605 65,562,141"
Insert: "87,013,588 63,329,748 36,545,291 65,529,322"

74. Page 28.
Strike: lines 6 and 7

75. Page 28, line 16.
In the other appropriated funds column for fiscal 1982
Insert: "4,898"

76. Page 28, line 18.
Strike: "34,960"
Insert: "33,553"

77. Page 28, line 20.
Strike: "935,112"
Insert: "934,112"

78. Page 29, line 2.
Strike: "551,759"
Insert: "550,259"

79. Page 29, line 4.
Strike: "671,912"
Insert: "670,921"

80. Page 31, line 2.
Strike: "22,797 23,290"
Insert: "23,796 24,870"

81. Page 31, line 4.
Strike: "19,547 20,523"
Insert: "20,346 21,787"

82. Page 31, line 6.
Strike: "11,948 12,352"
Insert: "12,415 13,090"

83. Page 31, line 8.
Strike: "91,586 93,216"
Insert: "95,640 99,626"

84. Page 31, line 10.
Strike: "28,676 30,039"
Insert: "29,863 31,916"

85. Page 31, line 12.
Strike: "55,983 57,186"
Insert: "59,623 62,942"

86. Page 31, line 14.
Strike: "4,898 5,045"
Insert: "5,138 5,424"

87. Page 31, line 16.
Strike: "208,000 216,790"
Insert: "212,848 224,455"

88. Page 31, line 18.
Strike: "3,604 3,845"
Insert: "3,724 4,036"

89. Page 31, line 20.
Strike: "65,930 68,116"
Insert: "68,830 72,701"

90. Page 31, line 22.
Strike: "11,766 12,383"
Insert: "12,236 13,125"

91. Page 31, line 24.
Strike: "129,491 129,866"
Insert: "136,889 141,562"

92. Page 32, line 1.
Strike: "17,556 17,875"
Insert: "18,375 19,171"

93. Page 32, line 3.
Strike: "11,790 12,287"
Insert: "12,245 13,006"

94. Page 32, line 5.
Strike: "778 832"
Insert: "801 869"

95. Page 32, line 7.
Strike: "77,966 79,832"
Insert: "80,753 84,239"

96. Page 32, line 9.
Strike: "60,330 61,273"
Insert: "62,040 63,976"

97. Page 32, line 11.
Strike: "94,386 97,102"
Insert: "98,548 103,682"

98. Page 32, line 13.
Strike: "119,112 110,192"
Insert: "121,861 114,538"

99. Page 32, line 15.
Strike: "248,160 251,586"
Insert: "259,542 269,579"

100. Page 32, line 17.
Strike: "17,451 18,088"
Insert: "18,367 19,537"

101. Page 32, line 19.
Strike: "17,565 18,209"
Insert: "18,258 19,306"

102. Page 32, line 21.
Strike: "9,447 10,575"
Insert: "9,873 11,249"

103. Page 32, line 23.
Strike: "4,461 4,711"
Insert: "4,646 5,004"

104. Page 32, line 25.
Strike: "3,737 3,770"
Insert: "3,897 4,022"

105. Page 33, line 2.
Strike: "6,048 6,419"
Insert: "6,291 6,804"

106. Page 33, line 4.
Strike: "6,813 7,189"
Insert: "7,092 7,631"

107. Page 33, line 6.
Strike: "7,682 7,893"
Insert: "8,151 8,635"

108. Page 33, line 8.
Strike: "1,063 1,106"
Insert: "1,098 1,161"

109. Page 33, line 10.
Strike: "4,477 4,669"
Insert: "4,673 4,978"

110. Page 33, line 12.
Strike: "23,081,028 23,010,354"
Insert: "23,135,839 23,097,016"

111. Page 34.
Following: line 12
Insert: "Included in the other funds appropriation for rail planning in section 10 is $36,195 in fiscal 1982 and $28,200 in fiscal 1983 to contract with the Public Service Commission for rail inspection services."

112. Page 34, line 15.
Strike: "3,342,313 3,466,298"
Insert: "3,345,294 3,469,096"

113. Page 34, line 21.

Strike: "737,558 752,821"
Insert: "744,740 759,203"

114. Page 34, line 23.
Strike: "2,274,976 2,211,526"
Insert: "2,292,268 2,227,383"

115. Page 34, line 25.
Strike: "2,870,406 2,884,502"
Insert: "2,924,202 2,935,004"

116. Page 35, line 4.
Strike: "2,996,279 3,086,508"
Insert: "3,018,696 3,107,075"

117. Page 35, line 6.
Strike: line 6 in its entirety
Insert: "587,349 1,417,279 627,177 1,492,042"

118. Page 35, line 8.
Strike: "965,661 986,374"
Insert: "968,677 989,140"

119. Page 35, line 10.
Strike: "462,626 466,658"
Insert: "463,167 467,167"

120. Page 35, line 12.
Strike: line 12 in its entirety
Insert: "587,349 15,338,533 627,177 15,511,110"

121. Page 36, line 19.
Strike: "7,342,115 7,868,277"
Insert: "7,368,739 7,894,841"

122. Page 37, line 2.
Strike: "8,403,772 8,805,628"
Insert: "8,430,396 8,832,192"

123. Page 37, line 24.
Strike: "65,563 60,621"
Insert: "70,489 71,018"

124. Page 38, line 1.
Strike: "613,123 624,218"
Insert: "618,046 634,615"

125. Page 38, line 6.
Strike: "8,400"
Insert: "18,400"

126. Page 38, line 25.
Strike: "6,484,301"
Insert: "6,494,301"

127. Page 40, line 5.
Strike: "1,075,840 1,089,643"
Insert: "1,184,442 1,195,975"

128. Page 40.
Following: line 9
Insert: "4. Rail Inspection
-0- 36,195 -0- 28,200"

129. Page 40, line 11.
Strike: line 11 in its entirety
Insert: "1,241,442 55,505 1,195,975 47,510"

130. Page 40.
Following: line 16
Insert: "The rail inspector position authorized in section 4 shall not continue after June 30, 1983."

131. Page 40, line 19.
Strike: line 19 in its entirety
Insert: "12,842,359 65,276,594 12,740,123 65,828,921"

132. Page 41, line 2.
Strike: "212,129 210,651"
Insert: "248,157 246,713"

133. Page 41, line 6.
Strike: "3,552,241 3,665,827"
Insert: "3,608,423 3,722,557"

134. Page 41, line 8.
Strike: "776,215 794,682 73,183"
Insert: "831,726 835,090 64,328"

135. Page 41, line 10.
Strike: "3,937,010 4,332,262"
Insert: "4,291,398 4,755,818"

136. Page 41.
Following: line 10
Insert: "6. Audit
-0- -0- 16,145 8,855"

137. Page 41, line 12.
Strike: "8,672,195 9,207,657"
Insert: "9,174,304 9,780,558"

138. Page 41, line 17.
Strike: "3,731,453 4,122,272"
Insert: "4,084,357 4,544,240"

139. Page 41, line 25.
Strike: "9,238,788 9,283,794"
Insert: "1. General Operations
9,308,901 9,364,280"

140. Page 41.
Following: line 25
Insert: "2. Audit
15,000 -0- -0- -0-"

141. Page 42, line 2.
Strike: "1,928,938 1,961,615"
Insert: "1. General Operation
1,939,921 1,965,887"

142. Page 42.
Following: line 2
Insert: "2. Audit
-0- -0- 7,000 -0-"

143. Page 42, line 3.

Strike: "18,395 21,118"
Insert: "18,964 21,771"

144. Page 42, line 8.
Strike: "1,524,011 1,542,188"
Insert: "1. General Operations
1,530,951 1,542,725"

145. Page 42.
Following: line 8
Insert: "2. Audit
-0- -0- 6,500 -0-"

146. Page 42, line 10.
Strike: "4,226,994 4,179,491"
Insert: "1. General Operations
4,405,192 4,366,991"

147. Page 42.
Following: line 10
Insert: "2. Audit
12,000 -0- -0- -0-"

148. Page 42, line 12.
Strike: "11,143,184 11,346,775"
Insert: "1. General Operations
11,182,794 11,374,319"

149. Page 42.
Following: line 12
Insert: "2. Audit
-0- -0- 16,000 -0-"

150. Page 42, line 18.
Strike: "1,304,634 1,319,027"
Insert: "2. General Operations
1,310,400 1,316,744"

151. Page 42.
Following: line 18
Insert: "2. Audit
-0- -0- 8,000 -0-"

152. Page 42, line 20.
Strike: "1,976,238 1,972,506"
Insert: "1. General Operations
1,986,558 1,972,777"

153. Page 42.
Following: line 20
Insert: "2. Audit
-0- -0- 11,000 -0-"

154. Page 42, line 23.
Strike: "6,689,367 6,858,710"
Insert: "6,854,480 7,015,342"

155. Page 42, line 25.
Strike: "1,400,735"
Insert: "1,398,723"

156. Page 43, line 2.
Strike: "296,567"

Insert: "295,671"

157. Page 43, line 6.
Strike: "529,718"
Insert: "529,593"

158. Page 43.
Following: line 6
Insert: "6. Audit
-0- -0- 11,967 3,033"

159. Page 43, line 8.
Strike: "6,832,867 6,936,710"
Insert: "6,997,980 7,105,309"

160. Page 43, line 10.
Strike: "634,528 644,594"
Insert: "1. General Operation
639,110 642,792"

161. Page 43.
Following: line 10
Insert: "2. Audit
-0- -0- 6,000 -0-"

162. Page 43, line 12.
Strike: "478,860 469,407"
Insert: "1. General Operation
486,575 470,033"

163. Page 43.
Following: line 12
Insert: "2. Audit
-0- -0- 6,000 -0-"

164. Page 43, line 14.
Strike: "102,047 101,972"
Insert: "1. General Operations
105,242 107,106"

165. Page 43.
Following: line 14
Insert: "2. Audit
2,000 -0- -0- -0-"

166. Page 43, line 19.
Strike: "191,738 191,738"
Insert: "226,892 226,892"

167. Page 43, line 21.
Strike: "1,820,025 1,824,251"
Insert: "1,843,892 1,848,118"

168. Page 43, line 22.
Strike: "646,087 634,499"
Insert: "697,809 686,221"

169. Page 43, line 25.
Strike: "7,622,623 7,622,623"
Insert: "7,666,835 7,666,835"

170. Page 44, line 3.
Strike: "4,526,266 4,526,266"

Insert: "4,694,991 4,694,991"

171. Page 44, line 6.
Strike: "4,958,053 4,972,643"
Insert: "5,062,818 5,076,689"

172. Page 45, line 2.
Strike: "48,063,284 48,965,736"
Insert: "49,096,928 50,070,021"

173. Page 49, line 25.
Strike: "3,852,000 3,852,000"
Insert: "4,724,445 5,019,250"

174. Page 50, line 19.
Strike: "94,000"
Insert: "1. General Operations
92,000"

175. Page 50.
Following: line 19
Insert: "2. Audit
2,000"

176. Page 50, line 22.
Strike: "335,772 762,494"
Insert: "332,472 759,794"

177. Page 50, line 25.
Insert: "4. Audit
3,300 2,700"

178. Page 51, line 12.
Strike: "615,133 625,805"
Insert: "613,113 619,701"

179. Page 51, line 14.
Strike: "57,301 57,302 60,254 60,254"
Insert: "56,422 56,423 57,630 57,630"

180. Page 51, line 18.
Strike: "285,559 291,163"
Insert: "284,337 287,515"

181. Page 51.
Following: line 18
Insert: "5. Audit
2,899 2,101 8,728 6,272"

182. Page 52, line 1.
Strike: "79,722 225,770"
Insert: "76,222 222,270"

183. Page 52.
Following: line 3
Insert: "3. Audit
3,500 3,500"

184. Page 52, line 7.
Strike: "1,501,843"
Insert: "1,486,843"

185. Page 52.
Following: line 7

Insert: "2. Audit
15,000"

186. Page 52, line 9.
Strike: "39,671,224 41,206,091"
Insert: "40,543,669 42,373,341"

187. Page 53.
Following: line 8
Insert: "The amounts shown for critical area faculty salary adjustments are appropriated to the colleges and universities contingent upon approval by the board of regents of a salary distribution plan or negotiated agreement for each campus. It is the legislature's intent that the critical area faculty salary adjustment funds be expended in those academic disciplines where difficulty is experienced recruiting or retaining faculty due to external market conditions."

188. Page 53, line 17.
Strike: "630,554"
Insert: "624,554"

189. Page 54.
Following: line 4
Insert: "8. Audit
6,000"

190. Page 54.
Following: line 18
Insert: "The general fund appropriation for each community college includes 53 percent of the total audit cost. The remaining audit costs shall be paid from local funds. Audit costs are not to exceed $17,000 for each unit for the biennium."

191. Page 55. line 9.
Strike: "11,154,286 7,716,610 10,990,888 7,936,509"
Insert: "10,968,095 7,587,801 10,792,293 7,793,104"

192. Page 55.
Following: line 9
Insert: "Critical Area Faculty Salary Adjustment
186,191 128,809 198,595 143,405"

193. Page 55.
Following: line 23
Insert: "Total audit costs are estimated to be $85,000 for the biennium. Fifty percent of those costs are to be paid from funds other than those appropriated by the legislature."

194. Page 56, line 1.
Strike: "9,129,729 5,552,861 9,096,667 5,795,822"
Insert: "8,977,386 5,460,204 8,934,188 5,692,301"

195. Page 56.
Following: line 1
Insert: "Critical Area Faculty Salary Adjustment
152,343 92,657 162,479 103,521"

196. Page 56.
Following: line 15
Insert: "Total audit costs are estimated to be $85,000 for the biennium. Fifty percent of those costs are to be paid from funds other than those appropriated by the legislature."

197. Page 56, line 18.
Strike: "3,038,598 1,608,220 2,913,439 1,754,287"
Insert: "2,995,440 1,585,378 2,868,499 1,727,227"

198. Page 56.
Following: line 18
Insert: "Critical Area Faculty Salary Adjustments
43,158 22,842 44,940 27,060"

199. Page 57.
Following: line 5
Insert: "Total audit costs are estimated to be $45,000 for the biennium. Twenty-five percent of those costs are to be paid from funds other than those appropriated by the legislature."

200. Page 57, line 8.
Strike: "1,864,846 761,974 1,845,530 822,103"
Insert: "1,853,487 757,333 1,833,423 816,710"

201. Page 57.
Following: line 8
Insert: "Critical Area Faculty Salary Adjustment
11,359 4,641 12,107 5,393"

202. Page 57.
Following: line 20
Insert: "Total audit costs are estimated to be $35,000 for the biennium. Twenty-five percent of those costs are to paid from funds other than those apppropiated by the legislature."

203. Page 57, line 23.
Strike: "778,796 372,131 767,282 391,353"
Insert: "773,383 369,544 761,322 388,313"

204. Page 57.
Following: line 23
Insert: "Critical Area Faculty Salary Adjustment
5,413 2,587 5,960 3,040"

205. Page 58.
Following: line 8
Insert: "Total audit costs are estimated to be $35,000 for the biennium. Twenty-five percent of those costs are to be paid from funds other than those appropriated by the legislature."

206. Page 58, line 11.
Strike: "1,766,672 1,165,595 1,822,810 1,202,082"
Insert: "1,661,769 1,096,383 1,709,818 1,127,568"

207. Page 58.
Following: line 11
Insert: "Critical Area Faculty Salary Adjustment
104,903 69,212 112,992 74,514"

208. Page 58.
Following: line 23
Insert: "Total audit costs are estimated to be $45,000 for the biennium. Twenty-five percent of those costs are to be paid from funds other than those appropriated by the legislature."

209. Page 58, line 25.
Following: "costs"
Insert: "and critical area faculty salary adjustments"

210. Page 59, line 7.
Strike: "290,794,231 419,121,127 244,211,731 430,736,455"
Insert: "293,710,868 419,633,520 247,452,068 431,367,862"

211. Page 59.
Following: line 7
Insert: "Section 18. Effective date. This act is effective July 1, 1981."

And, as so amended, be concurred in. Report adopted.

MESSAGES FROM THE GOVERNOR

April 3, 1981

The Honorable Jean Turnage
President of the Senate
State Capitol
Helena, Montana 59620

Dear Senator Turnage:

I respectfully submit to the Montana Senate the following appointments:

As a member of the MONTANA ARTS COUNCIL, in accordance with Section 2-15-1513 and Title 22, Chapter 2:

SUSAN M. TALBOT, Missoula, appointed for a term ending February 1, 1983.

As members of the BOARD OF TRUSTEES OF THE STATE HISTORICAL SOCIETY, in accordance with Sections 2-15-1512 and 22-3-104:

ANTOINETTE R. HAGENER, Havre, reappointed for a term ending July 1, 1985.

DALE L. MCGARVEY, Kalispell, appointed for a term ending July 1, 1981.

As members of the BOARD OF LABOR APPEALS, in accordance with Sections 2-15-1704 and 2-15-124:

JEROME C. OVERMIRE, Helena, appointed for a term ending January 7, 1985.

MICHAEL J. WHALEN, Billings, reappointed for a term ending January 7, 1985.

Sincerely,

TED SCHWINDEN
Governor

MOTIONS

Senator Stephens moved, duly carried, that the Senate recess at the hour of 4:19 p.m. until the hour of 4:30 p.m.

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Anderson in the Chair.

Senate resumed. President Pro Tempore Kolstad in the Chair.

Mr. President Pro Tempore: We, your Committee of the Whole, having had under consideration business on Second Reading, recommend as follows:

That House Amendments to Senate Bill No. 37 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Galt, McCallum.
Total 2

Absent or not voting: None.
Total 0

That House Amendments to Senate Bill No. 50 pass consideration. Unanimously passed.

That House Amendments to Senate Bill No. 107 pass consideration. Unanimously passed.

That House Amendments to Senate Bill No. 115 pass consideration. Unanimously passed.

That House Amendments to Senate Bill No. 129 pass consideration. Unanimously passed.

That House Amendments to Senate Bill No. 139 pass consideration. Unanimously passed.

That House Amendments to Senate Bill No. 141 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Galt, McCallum.
Total 2

Absent or not voting: None.
Total 0

That House Amendments to Senate Bill No. 142 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek,

Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Galt, McCallum.
Total 2

Absent or not voting: None.
Total 0

That House Amendments to Senate Bill No. 152 be not concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Galt, McCallum.
Total 2

Absent or not voting: None.
Total 0

That House Amendments to Senate Bill No. 176, without objection, be placed at the bottom of the board.

That House Amendments to Senate Bill No. 212 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Galt, McCallum.
Total 2

Absent or not voting: None.
Total 0

That House Amendments to Senate Bill No. 216 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Goodover, Graham,

Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Galt, McCallum.
Total 2

Absent or not voting: None.
Total 0

That House Amendments to Senate Bill No. 219 be not concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Galt, McCallum.
Total 2

Absent or not voting: None.
Total 0

That House Amendments to Senate Bill No. 231 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Galt, McCallum.
Total 2

Absent or not voting: None.
Total 0

That House Amendments to Senate Bill No. 238 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl,

Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Tveit, Van Valkenburg, Mr. President.
Total 47

Noes: Towe.
Total 1

Excused: Galt, McCallum.
Total 2

Absent or not voting: None.
Total 0

That House Amendments to Senate Bill No. 240 be not concurred in by the following vote:

Ayes: Aklestad, Anderson, Blaylock, Boylan, B. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Tveit, Van Valkenburg, Mr. President.
Total 45

Noes: Berg, S. Brown, Towe.
Total 3

Excused: Galt, McCallum.
Total 2

Absent or not voting: None.
Total 0

That House Amendments to Senate Bill No. 243 be not concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Galt, McCallum.
Total 2

Absent or not voting: None.
Total 0

That House Amendments to Senate Bill No. 253 be not concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith,

Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Galt, McCallum.
Total 2

Absent or not voting: None.
Total 0

That House Amendments to Senate Bill No. 258 be not concurred in by the following vote:

Ayes: Aklestad, Berg, Blaylock, Boylan, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Goodover, Hager, Hazelbaker, Healy, Himsl, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, Nelson, O'Hara, Regan, Severson, Smith, Stephens, Story, Tveit.
Total 31

Noes: Anderson, B. Brown, Haffey, Halligan, Jacobson, Norman, Olson, Ryan, Stimatz, Thomas, Towe, Van Valkenburg.
Total 12

Excused: Galt, McCallum.
Total 2

Absent or not voting: Graham, Hafferman, Hammond, Ochsner, Mr. President.
Total 5

That House Amendments to Senate Bill No. 292 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Galt, McCallum.
Total 2

Absent or not voting: None.
Total 0

That House Amendments to Senate Bill No. 428 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.

Total 48

Noes: None.
Total 0

Excused: Galt, McCallum.
Total 2

Absent or not voting: None.
Total 0

That House Amendments to Senate Bill No. 176 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Galt, McCallum.
Total 2

Absent or not voting: None.
Total 0

That House Amendments to Senate Bill No. 238 be segregated from the Committee of the Whole Report. Motion carried by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Galt, McCallum.
Total 2

Absent or not voting: None.
Total 0

That the Committee rise and report. (Anderson, Chairman)

Upon motion of Senator Anderson, duly carried, the foregoing Report of the Committee of the Whole was adopted.

At the request of the President Pro Tempore, and without objection, the Senate reverted to Order of Business No. 2.

REPORTS OF STANDING COMMITTEES

BILLS (O'Hara, Chairman):
Correctly engrossed - SB 355. Report adopted.

The Senate will please take note that the President did, at the hour of 2:00 p.m., 4/3/81, sign the following bills:
HB 333, HB 555, HB 738, HJR 18, HJR 36.

Jean A. Turnage
President

Upon motion of Senator Stephens, duly carried, the Senate adjourned at 5:05 p.m. until Saturday, April 4, at the hour of 1:30 p.m.

ALLEN C. KOLSTAD
President Pro Tempore of the Senate

JOHN W. LARSON
Secretary of the Senate

SEVENTY-FIFTH LEGISLATIVE DAY

Helena, Montana
April 4, 1981

Senate Chambers
Capitol Building

Senate convened at 1:30 p.m., President Turnage presiding. Invocation by the Chaplain. Pledge of Allegiance to the Flag.

Roll call. All members present except Anderson, Hammond, McCallum, excused. Quorum present.

Mr. President: We, your Committee on Bills and Journal, having examined the daily journal for the Seventy-fourth Legislative Day, find the same to be correct.

O'HARA, Chairman

REPORTS OF STANDING COMMITTEES

BILLS (O'Hara, Chairman):
Correctly engrossed - SJR 33. Report adopted.

RULES (Stephens, Chairman):
SB 15, be amended as follows:

1. Page 1, line 4.
Following: "ENTITLED:"
Strike: remainder of bill in its entirety
Insert: everything following the word "ENTITLED" page 1, line 4, contained in LCSB 0015/05

(To insert a substitute bill. The motion was overlooked by the committee.)

And, as so amended, do pass. Report adopted.

FINANCE AND CLAIMS (Himsl, Chairman):
HB 560, be concurred in. Report adopted.
HB 617, be concurred in. Report adopted.
HB 837, be concurred in. Report adopted.
HB 853, be concurred in. Report adopted.

TAXATION (Goodover, Chairman):
HB 654, third reading copy, be amended as follows:

1. Page 11, line 5.
Following: line 4
Insert: "Section 14. Limitation. Nothing contained in this act or in Title 60, chapter 11, shall permit or authorize the purchaser or acquisition in any manner of railroad track, road beds, associated facilities, railroad equipment or railroad rolling stock by the state of Montana. Nothing contained in this act or in Title 60, chapter 11, shall authorize the state of Montana to do any more or any less than a municipality or county is authorized to do in connection with the issuance of industrial development revenue bonds under Title 90, chapter 5, part 1, MCA.

Section 15. Coordination instruction. If the forty-seventh Legislature passes a bill creating a department of commerce and that bill is approved, then the definition of "department" contained in 60-11-1102(2) and 60-11-1202(2) shall be changed to read "means the department of commerce"."
Renumber: subsequent section

And, as so amended, be concurred in. Report adopted.

MESSAGES FROM THE GOVERNOR

April 3, 1981

The Honorable Jean Turnage
President of the Senate
State Capitol
Helena, Montana 59620

Dear Mr. President:

This is to inform you that I have signed the following measures this date:

Senate Bill Nos. 455, 110, 256, 232.

Sincerely,

TED SCHWINDEN
Governor

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The House on 4/3/81, authorized the Speaker to appoint a Free Conference Committee to confer on House Amendments to Senate Bill No. 341.

The Speaker appointed the following members:

Representative Hannah, Chairman
Representative Conn
Representative Keedy

MOTIONS

Senator Hazelbaker moved, duly carried, that the House Amendments to Senate Bill No. 240 be taken from the Committee on Bills and Journal and rereferred to the Committee on Rules.

Senator Stephens moved that the Joint Rules of the Forty-seventh Legislative Session be temporarily suspended to allow for the receipt of House revenue bills until Monday, April 6, 1981, the Seventy-sixth Legislative day. Motion carried by the following vote:

Ayes: Aklestad, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Hafferman, Hager, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Towe, Tveit, Van Valkenburg, Mr. President.
Total 42

Noes: None.
Total 0

Excused: Anderson, Goodover, Graham, Haffey, Halligan, Hammond, McCallum, Thomas.
Total 8

Absent or not voting: None.
Total 0

Senator Stephens moved that the Joint Rules of the Forty-seventh Legislative Session be temporarily suspended in order to place the

Governor's Amendments to Senate Bill No. 414 on Second Reading this day. Motion carried by the following vote:

Ayes: Aklestad, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Hafferman, Hager, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Towe, Tveit, Van Valkenburg, Mr. President.
Total 42

Noes: None.
Total 0

Excused: Anderson, Goodover, Graham, Haffey, Halligan, Hammond, McCallum, Thomas.
Total 8

Absent or not voting: None.
Total 0

Senator Stephens moved that the Joint Rules of the Forty-seventh Legislative Session be temporarily suspended in order to return House Bill No. 655 from the House for further consideration. Motion carried by the following vote:

Ayes: Aklestad, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Hager, Halligan, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Towe, Tveit, Van Valkenburg, Mr. President.
Total 45

Noes: None.
Total 0

Excused: Anderson, Hammond, McCallum.
Total 3

Absent or not voting: Haffey, Thomas.
Total 2

Senator Mazurek moved, duly carried, that the President be authorized to appoint a Free Conference Committee on House Amendments to Senate Bill No. 341.

Senator Dover moved, duly carried, that the President be authorized to appoint a Free Conference Committee on House Amendments to Senate Bill No. 243.

Senator Mazurek moved, duly carried, that his motion to authorize the President to appoint a Free Conference Committee on the House Amendments to Senate Bill No. 341 be withdrawn.

Senator Stephens moved, duly carried, that the Senate recess at the hour of 2:49 p.m. until the hour of 3:15 p.m.

Senator Lee moved that Senate Bill No. 356 be taken from Third Reading and rereferred to Second Reading. Motion carried by the following vote:

Ayes: Aklestad, Crippen, Dover, Elliott, Etchart, Galt, Goodover, Hager, Hammond, Hazelbaker, Himsl, Johnson, Keating, Kolstad, Lee, Manley,

McCallum, Nelson, Ochsner, O'Hara, Olson, Severson, Smith, Stephens, Story, Tveit, Mr. President.
Total 27

Noes: Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Eck, Graham, Hafferman, Haffey, Halligan, Healy, Jacobson, Mazurek, Norman, Regan, Ryan, Stimatz, Towe, Van Valkenburg.
Total 20

Excused: Anderson.
Total 1

Absent or not voting: Manning, Thomas.
Total 2

(Including the following pairs: Hammond, aye - Blaylock, no; McCallum, aye - Norman, no.)

Senator Manley moved that the Senate reconsider its action taken April 3, 1981 in indefinitely postponing Senate Bill No. 172 and place it on Second Reading this day. Motion carried by the following vote:

Ayes: Aklestad, Berg, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Hager, Halligan, Johnson, Keating, Kolstad, Lee, Manley, Norman, Ochsner, Olson, Regan, Ryan, Severson, Smith, Towe, Tveit, Van Valkenburg.
Total 27

Noes: Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Haffey, Hazelbaker, Healy, Himsl, Jacobson, Mazurek, Nelson, O'Hara, Stephens, Stimatz, Story, Mr. President.
Total 18

Excused: Anderson, Hammond, McCallum.
Total 3

Absent or not voting: Manning, Thomas.
Total 2

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Mazurek in the Chair.

Senate resumed. President Turnage in the Chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on Second Reading, recommend as follows:

That the Governor's Amendments to Senate Bill No. 414 be concurred in by the following vote:

Ayes: Aklestad, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 47

Noes: None.
Total 0

Excused: Anderson, Hammond, McCallum.

Total 3

Absent or not voting: None.
Total 0

That the Committee rise and report. (Mazurek, Chairman)

Upon motion of Senator Mazurek, duly carried, the foregoing Report of the Committee of the Whole was adopted.

At the request of the President, and without objection, the Senate reverted to Order of Business No. 6.

MOTIONS

Senator Stephens moved that the Joint Rules of the Forty-seventh Legislative Session be temporarily suspended to place the Governor's Amendments to Senate Bill No. 414 on Third Reading this day. Motion carried by the following vote:

Ayes: Aklestad, Berg, Blaylock, Boylan, B. Brown, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Towe, Tveit, Van Valkenburg, Mr. President.
Total 44

Noes: None.
Total 0

Excused: Anderson, Hammond, McCallum.
Total 3

Absent or not voting: S. Brown, Conover, Thomas.
Total 3

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

Governor's Amendments to Senate Bill No. 414 were concurred in by the following vote:

Ayes: Aklestad, Berg, Blaylock, Boylan, B. Brown, S. Brown, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Towe, Tveit, Mr. President.
Total 44

Noes: None.
Total 0

Excused: Anderson, Hammond, McCallum.
Total 3

Absent or not voting: Conover, Thomas, Van Valkenburg.
Total 3

Senate Bill No. 355 was passed by the following vote:

Ayes: Berg, Blaylock, B. Brown, S. Brown, Eck, Goodover, Graham, Hafferman, Haffey, Halligan, Hazelbaker, Healy, Himsl, Jacobson, Manley,

Mazurek, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Stephens, Stimatz, Towe, Van Valkenburg, Mr. President.
Total 27

Noes: Aklestad, Boylan, Crippen, Dover, Elliott, Etchart, Galt, Hager, Johnson, Keating, Kolstad, Lee, Manning, Nelson, Severson, Smith, Story, Tveit.
Total 18

Excused: Anderson, Hammond, McCallum.
Total 3

Absent or not voting: Conover, Thomas.
Total 2

Senate Bill No. 383 was passed by the following vote:

Ayes: Aklestad, Berg, Blaylock, B. Brown, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Kolstad, Lee, Manning, Nelson, Norman, Ochsner, O'Hara, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Towe, Mr. President.
Total 31

Noes: Boylan, S. Brown, Crippen, Dover, Eck, Elliott, Etchart, Halligan, Keating, Manley, Mazurek, Olson, Tveit, Van Valkenburg.
Total 14

Excused: Anderson, Hammond, McCallum.
Total 3

Absent or not voting: Conover, Thomas.
Total 2

House Bill No. 92 was concurred in by the following vote:

Ayes: Aklestad, Berg, Blaylock, Boylan, S. Brown, Conover, Crippen, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Halligan, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Manley, Manning, Mazurek, Norman, Ochsner, O'Hara, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Thomas, Towe, Van Valkenburg, Mr. President.
Total 39

Noes: B. Brown, Dover, Hager, Lee, Nelson, Olson, Story, Tveit.
Total 8

Excused: Anderson, Hammond, McCallum.
Total 3

Absent or not voting: None.
Total 0

House Bill No. 223 was concurred in by the following vote:

Ayes: Aklestad, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, Nelson, Norman, Ochsner, O'Hara, Olson, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Tveit, Van Valkenburg, Mr. President.
Total 43

Noes: Berg, Regan, Towe.
Total 3

Excused: Anderson, Hammond, McCallum.

Total 3

Absent or not voting: Elliott.
Total 1

House Amendments to Senate Bill No. 162 were concurred in by the following vote:

Ayes: Aklestad, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 46

Noes: Ryan.
Total 1

Excused: Anderson, Hammond, McCallum.
Total 3

Absent or not voting: None.
Total 0

House Amendments to Senate Bill No. 239 were concurred in by the following vote:

Ayes: Aklestad, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 47

Noes: None.
Total 0

Excused: Anderson, Hammond, McCallum.
Total 3

Absent or not voting: None.
Total 0

House Amendments to Senate Bill No. 278 were concurred in by the following vote:

Ayes: Aklestad, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Nelson, Norman, O'Hara, Olson, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Tveit, Van Valkenburg, Mr. President.
Total 39

Noes: Berg, Blaylock, Eck, Halligan, Mazurek, Ochsner, Regan, Towe.
Total 8

Excused: Anderson, Hammond, McCallum.
Total 3

Absent or not voting: None.
Total 0

House Amendments to Senate Bill No. 308 were concurred in by the following vote:

Ayes: Aklestad, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 47

Noes: None.
Total 0

Excused: Anderson, Hammond, McCallum.
Total 3

Absent or not voting: None.
Total 0

House Amendments to Senate Bill No. 316 were concurred in by the following vote:

Ayes: Aklestad, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 47

Noes: None.
Total 0

Excused: Anderson, Hammond, McCallum.
Total 3

Absent or not voting: None.
Total 0

House Amendments to Senate Bill No. 321 were concurred in by the following vote:

Ayes: Aklestad, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 47

Noes: None.
Total 0

Excused: Anderson, Hammond, McCallum.
Total 3

Absent or not voting: None.
Total 0

House Amendments to Senate Bill No. 342 were concurred in by the following vote:

Ayes: Aklestad, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Goodover, Graham, Hafferman,

Haffey, Hager, Halligan, Hazelbaker, Healy, Himsl, Keating, Kolstad, Manley, Manning, Mazurek, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Severson, Smith, Stephens, Thomas, Towe, Van Valkenburg, Mr. President.
Total 39

Noes: Galt, Jacobson, Johnson, Lee, Ryan, Stimatz, Story, Tveit.
Total 8

Excused: Anderson, Hammond, McCallum.
Total 3

Absent or not voting: None.
Total 0

House Amendments to Senate Bill No. 363 were concurred in by the following vote:

Ayes: Aklestad, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 47

Noes: None.
Total 0

Excused: Anderson, Hammond, McCallum.
Total 3

Absent or not voting: None.
Total 0

House Amendments to Senate Bill No. 370 were concurred in by the following vote:

Ayes: Aklestad, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Towe, Tveit, Van Valkenburg, Mr. President.
Total 46

Noes: None.
Total 0

Excused: Anderson, Hammond, McCallum.
Total 3

Absent or not voting: Thomas.
Total 1

House Amendments to Senate Bill No. 434 were concurred in by the following vote:

Ayes: Aklestad, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.

Total 46

Noes: Hafferman.
Total 1

Excused: Anderson, Hammond, McCallum.
Total 3

Absent or not voting: None.
Total 0

House Amendments to Senate Bill No. 456 were concurred in by the following vote:

Ayes: Aklestad, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 47

Noes: None.
Total 0

Excused: Anderson, Hammond, McCallum.
Total 3

Absent or not voting: None.
Total 0

The Free Conference Committee Report on Senate Bill No. 125 was adopted by the following vote:

Ayes: Aklestad, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Manley, Manning, Mazurek, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 43

Noes: Galt, Lee, Nelson.
Total 3

Excused: Anderson, Hammond, McCallum.
Total 3

Absent or not voting: Severson.
Total 1

Governor's Amendments to Senate Bill No. 41 were concurred in by the following vote:

Ayes: Aklestad, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 47

Noes: None.
Total 0

Excused: Anderson, Hammond, McCallum.
Total 3

Absent or not voting: None.
Total 0

At the request of the President, and without objection, the Senate reverted to Order of Business No. 2.

REPORTS OF STANDING COMMITTEES

TAXATION (Goodover, Chairman):
SB 344, introduced bill, be amended as follows:

1. Title, line 5.
Following: "TAX"
Strike: "OF APPROXIMATELY 10 PERCENT"

2. Page 3, line 5.
Following: "subsection"
Strike: "(2)"
Insert: "(3)"

3. Page 3, line 6.
Following: "tax"
Strike: "of"
Insert: "is imposed on minerals produced in this state. The rate of tax is"

4. Page 3, lines 7 through 20.
Following: line 6
Strike: lines 7 through 20
Insert: "(a) 3% for all minerals mined before January 1, 1983;

(b) for all minerals mined after January 1, 1983 when a strip mining method is used to produce the mineral:

Annual Value of Product Mined	Tax
0 to $ 1,000,000	0
$ 1,000,000 to $ 5,000,000	6%
$ 5,000,000 to $10,000,000	8%
$10,000,000 to $25,000,000	10%
$25,000,000 and over	12%

(c) for all minerals mined after January 1, 1983 when an underground method of mining is used to produce the mineral:

Annual Value of Product Mined	Tax
0 to $ 1,000,000	0
$ 1,000,000 to $ 5,000,000	3%
$ 5,000,000 to $10,000,000	4%
$10,000,000 to $25,000,000	5%
$25,000,000 and over	6%

(2) The annual value of product mined shall be the invoice price f.o.b. mine less state, federal, and local taxes produced in all mines owned or controlled by the same company in each county for which permits have been granted under 82-4-335."

5. Page 3, line 21.
Following: line 20
Strike: "(c)"
Insert: "(3)(a)"

6. Page 3, line 25.
Following: line 24
Insert: "(b) Any mineral produced under the authority of a permit issued under 82-4-335 prior to the effective date of this act is exempt from the tax imposed by subsection (1)."

7. Page 7, line 1.
Following: "are"
Strike: remainder of the text through "must be" on line 2

8. Page 7, line 3.
Following: "account"
Strike: remainder of the text through line 8

9. Page 13, line 23.
Following: line 22
Strike: line 23 through line 3, page 14
Renumber: subsequent sections

10. Page 14, line 25.
Following: line 24
Insert: "NEW SECTION. Section 23. Coordination instruction. If SB 432 is passed by the 47th legislature and approved by the governor, the reference to the department of community affairs contained in [section 12] and [section 16] shall be changed to the department of commerce."

And, as so amended, do pass. Report adopted.

I have examined Senate Bill No. 175 introduced by me and find the same to be correct. (Ochsner)

I have examined Senate Bill No. 432 introduced by me and find the same to be correct. (Van Valkenburg)

BILLS (O'Hara, Chairman):
Correctly enrolled - SB 175, SB 432. Report adopted.

The Senate will please take note that the President did, at the hour of 3:30 p.m., 4/4/81, sign the following bills:
SB 175, SB 432.

Jean A. Turnage
President

Upon motion of Senator Stephens, duly carried, the Senate adjourned at 3:46 p.m. until Monday, April 6, at the hour of 10:00 a.m.

JEAN A. TURNAGE
President of the Senate

JOHN W. LARSON
Secretary of the Senate

SEVENTY-SIXTH LEGISLATIVE DAY

Helena, Montana
April 6, 1981

Senate Chambers
Capitol Building

Senate convened at 10:00 a.m., President Turnage presiding. Invocation by the Chaplain. Pledge of Allegiance to the Flag.

Roll call. All members present. Quorum present.

Mr. President: We, your Committee on Bills and Journal, having examined the daily journal for the Seventy-fifth Legislative Day, find the same to be correct.

O'HARA, Chairman

REPORTS OF STANDING COMMITTEES

BILLS (O'Hara, Chairman):
Signed by the Speaker of the House and President of the Senate, 4/6/81, at the hour of 10:00 a.m., delivered to the Governor for his approval SB 432. Report adopted.

PUBLIC HEALTH, WELFARE AND SAFETY (Hager, Chairman):
SR 3, introduced bill, be amended as follows:

1. Page 1, line 19.
Following: "since"
Strike: "1968"
Insert: "1966"

2. Page 2.
Following: line 5
Insert: "WHEREAS, the Deer Lodge Research Unit, having been involved in an on-going drug research program since 1966, has made a significant contribution to the body of knowledge available concerning the impact of new drugs on human beings; and"

3. Page 2.
Following: line 12
Insert: "WHEREAS, the Deer Lodge Research Unit provides a useful summer intern program for researchers from the University of Montana; and WHEREAS, the drug research conducted at the Deer Lodge Research Unit benefits the entire nation; and"

4. Page 2, line 14.
Following: "at"
Insert: "Federal Register"

And, as so amended, do pass. Report adopted.

SJR 34, introduced bill, be amended as follows:

1. Title, line 7.
Following: "CARE,"
Insert: "REHABILITATION,"

2. Page 1, line 15.
Following: "WHEREAS,"
Strike: "both"

3. Page 1, line 16.
Following: "Sciences"

Strike: "and"
Insert: ","

4. Page 1, line 17.
Following: "Services"
Insert: ", and the Department of Institutions"

5. Page 2, line 15.
Following: "(e)"
Strike: "nursing homes"
Insert: "long-term care facilities"

6. Page 2, line 16.
Following: "homes;"
Strike: "and"

7. Page 2.
Following: "disabled" on line 17
Insert: "(h) residential and transitional living facilities, including rooming houses, boarding homes, and retirement homes;

(i) swing beds; and

(j) alcoholism and drug treatment facilities"

And, as so amended, do pass. Report adopted.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following Senate Bills were on 4/4/81, concurred in and returned to the Senate:

Senate Bill No. 64, introduced by Elliott (53-47)

Senate Bill No. 74, introduced by Thomas (87-9)

Senate Bill No. 88, introduced by Thomas (86-11)

Senate Bill No. 100, introduced by Thomas (85-11)

The following Governor's Amendments to Senate Bill No. 414 were on 4/4/81, concurred in on Third Reading:

Governor's Amendments to Senate Bill No. 414, introduced by Boylan (93-3)

The House on 4/4/81, acceded to the request of the Senate for the return of House Bill No. 655, and returned said bill to the Senate for further consideration.

The following House Joint Resolutions were on 4/4/81, passed and transmitted to the Senate for concurrence:

House Joint Resolution No. 20, introduced by Menahan (79-12)

House Joint Resolution No. 26, introduced by Moore (80-14)

The following House Bills were on 4/4/81, passed and transmitted to the Senate for concurrence:

House Bill No. 290, introduced by Keedy (86-8)

House Bill No. 601, introduced by Curtiss (81-14)

House Bill No. 800, introduced by Waldron (67-28)

House Bill No. 832, introduced by Donaldson (80-10)

House Bill No. 45, introduced by Vincent (93-5)

House Bill No. 801, introduced by Committee on Appropriations (80-14)

House Bill No. 217, introduced by Menahan (98-0)

FIRST READING OF BILLS

The following House bills were introduced, read first time and referred to committees:

HB 45, introduced by Vincent, Eudaily, Schultz, Menahan, Roush, (By Request of the Study Committee on Public Retirement Systems). Referred to Committee on Finance and Claims.

HB 217, introduced by Menahan, Haffey, Ryan, Brand, Kennerly, R. Manning, Nilson, Bengtson, Harp, Holliday, Oberg, Bergene, O'Connell, Roush, Dussault, Daily, Harrington, Harper, McLane, Quilici, D. Brown, Pavlovich, M. Hart, Zabrocki, Robbins, Yardley, Curtiss. Referred to Committee on Finance and Claims.

HB 290, introduced by Keedy, Donaldson. Referred to Committee on Finance and Claims.

HB 601, introduced by Curtiss, B. Brown. Referred to Committee on Finance and Claims.

HB 800, introduced by Waldron, Regan, Curtiss, B. Brown, Conn, Eck, Azzara, Fabrega, J. Jacobson, Ryan, Hemstad, Keedy, Ellison, Gould, Hanson, Lory, Winslow, Zabrocki, R. Manning, Kitselman, D. O'Hara, Kennerly, Meyer, Kemmis, Holliday, Harrington, Kessler, McBride, Dussault, D. Brown, O'Connell, Pistoria, R. Anderson, Eudaily, Shelden, Briggs, Schultz, Daily, Harp, Dozier, Metcalf, Neuman, Phillips, Matsko, Ernst, Bergene, Marks, Williams, Menahan, Roth, Harper, Iverson, Kanduch, Roush, Boylan, Halligan, Abrams, Norman, Huennekens, Fagg, Mazurek, Blaylock, M. Hart, McLane, Shontz, Robbins, Yardley, Jacobsen, Thoft, Manley, Thomas, S. Brown, Dover, Johnson, Van Valkenburg, Berg, Conover, Haffey. Referred to Committee on Finance and Claims.

HB 801, introduced by Lund, Committee on Appropriations. Referred to Committee on Finance and Claims.

HB 832, introduced by Donaldson. Referred to Committee on Finance and Claims.

The following House Joint Resolutions were introduced, read first time and referred to committees:

HJR 20, introduced by Menahan. Referred to Committee on State Administration.

HJR 26, introduced by Moore, Dussault, Marks. Referred to Committee on State Administration.

At the request of the President, and without objection, the Senate reverted to Order of Business No. 6.

MOTIONS

Senator Stephens moved, duly carried, that the Senate recess at the hour of 10:09 a.m. until the hour of 10:45 a.m.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

Senate Joint Resolution No. 33 was passed by the following vote:

Ayes: Aklestad, Anderson, Berg, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Smith, Stephens, Stimatz, Story, Towe, Mr. President.
Total 43

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: Blaylock, Hazelbaker, Manley, Severson, Thomas, Tveit, Van Valkenburg.
Total 7

House Bill No. 34 was concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Mr. President.
Total 47

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: Hazelbaker, Severson, Van Valkenburg.
Total 3

House Joint Resolution No. 47 was concurred in by the following vote:

Ayes: Anderson, Berg, Blaylock, Boylan, B. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Healy, Jacobson, Johnson, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Mr. President.
Total 41

Noes: Aklestad, S. Brown, Goodover, Himsl, Keating, Regan, Ryan.
Total 7

Excused: None.
Total 0

Absent or not voting: Hazelbaker, Van Valkenburg.
Total 2

House Amendments to Senate Bill No. 9 were concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum,

Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Mr. President.
Total 48

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: Hazelbaker, Van Valkenburg.
Total 2

House Amendments to Senate Bill No. 37 were concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Mr. President.
Total 48

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: Hazelbaker, Van Valkenburg.
Total 2

House Amendments to Senate Bill No. 141 were concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Mr. President.
Total 48

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: Hazelbaker, Van Valkenburg.
Total 2

House Amendments to Senate Bill No. 142 were concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Mr. President.
Total 46

Noes: Boylan, Ryan.
Total 2

Excused: None.
Total 0

Absent or not voting: Hazelbaker, Van Valkenburg.
Total 2

House Amendments to Senate Bill No. 176 were concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Mr. President.
Total 49

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: Van Valkenburg.
Total 1

House Amendments to Senate Bill No. 212 were concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Mr. President.
Total 49

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: Van Valkenburg.
Total 1

House Amendments to Senate Bill No. 216 were concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Ryan, Severson, Smith, Stephens, Stimatz, Story, Towe, Tveit, Mr. President.
Total 47

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: Regan, Thomas, Van Valkenburg.
Total 3

House Amendments to Senate Bill No. 231 were concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Mr. President.
Total 49

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: Van Valkenburg.
Total 1

House Amendments to Senate Bill No. 292 were concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Mr. President.
Total 48

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: Blaylock, Van Valkenburg.
Total 2

House Amendments to Senate Bill No. 390 were concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Mr. President.
Total 49

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: Van Valkenburg.
Total 1

House Amendments to Senate Bill No. 391 were concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Mr. President.
Total 47

Noes: Keating.
Total 1

Excused: None.
Total 0

Absent or not voting: Hammond, Van Valkenburg.
Total 2

House Amendments to Senate Bill No. 398 were concurred in by the following vote:

Ayes: Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Dover, Eck, Etchart, Galt, Graham, Hafferman, Haffey, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Kolstad, Manning, McCallum, Nelson, O'Hara, Olson, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Mr. President.
Total 36

Noes: Aklestad, Crippen, Elliott, Goodover, Hager, Keating, Lee, Manley, Mazurek, Norman, Ochsner, Regan, Tveit.
Total 13

Excused: None.
Total 0

Absent or not voting: Van Valkenburg.
Total 1

House Amendments to Senate Bill No. 418 were concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Mr. President.
Total 49

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: Van Valkenburg.
Total 1

House Amendments to Senate Bill No. 428 were concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Mr. President.
Total 49

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: Van Valkenburg.
Total 1

House Amendments to Senate Bill No. 481 were concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Mr. President.
Total 48

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: Hafferman, Van Valkenburg.
Total 2

Governor's Amendments to Senate Bill No. 49 were concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Mr. President.
Total 47

Noes: Hafferman.
Total 1

Excused: None.
Total 0

Absent or not voting: Manning, Van Valkenburg.
Total 2

Governor's Amendments to Senate Bill No. 78 were concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Mr. President.
Total 48

Noes: Manley.
Total 1

Excused: None.
Total 0

Absent or not voting: Van Valkenburg.
Total 1

Governor's Amendments to Senate Bill No. 85 were concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Mr. President.
Total 48

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: Manley, Van Valkenburg.
Total 2

Governor's Amendments to Senate Bill No. 161 were concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manning, Mazurek, McCallum, Nelson, Norman, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Mr. President.
Total 47

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: Manley, Ochsner, Van Valkenburg.
Total 3

Governor's Amendments to Senate Bill No. 459 were concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manning, Mazurek, McCallum,

Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Mr. President.
Total 48

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: Manley, Van Valkenburg.
Total 2

At the request of the President, and without objection, the Senate reverted to Order of Business No. 2.

REPORTS OF STANDING COMMITTEES

PRINTING (O'Hara, Chairman):
Correctly printed and placed on the members' desks - SB 344. Report adopted.

LEGISLATIVE ADMINISTRATION (Kolstad, Chairman):
Respectfully reports as follows:

That the following attaches of the Senate be terminated as of 5:00 p.m. on Saturday, April 4, 1981:

David Badt ..... Page
Brenda Bergren ..... Page
Karen Beirwagen ..... Page
Vickie Burtch ..... Page
Russell Volk ..... Page
Claire Reeves ..... Page
Jodi Micheletti ..... Page

That the following attaches of the Senate be employed as of 8:00 a.m. on Monday, April 6, 1981:

Julie Astle ..... Page
Andrea Gary ..... Page
Jim LaBelle ..... Page
Marcella Lynch ..... Page
Alfred Skogen ..... Page
Doug Strosnider ..... Page
Tracy Ward ..... Page
Michael Wollan ..... Page

Report adopted.

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Mazurek in the Chair.

Senate resumed. President Turnage in the Chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on Second Reading, recommend as follows:

That Senate Bill No. 344 be amended as follows:

1. Page 5, line 9.
Following: "to"
Strike: "125%"

Insert: "150%"

Amendment passed by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

That the Senate pass consideration of the remainder of Senate Bill No. 344 until it reconvenes at the hour of 1:30 p.m. Unanimously passed.

That the Committee rise and report and beg leave to sit again. (Mazurek, Chairman)

Upon motion of Senator Mazurek, duly carried, the foregoing Report of the Committee of the Whole was adopted.

At the request of the President, and without objection, the Senate reverted to Order of Business No. 6.

MOTIONS

Senator Stephens moved, duly carried, that the Senate recess at the hour of 12:07 p.m. until the hour of 1:30 p.m.

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Mazurek in the Chair.

Senate resumed. President Turnage in the Chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on Second Reading, recommend as follows:

That Senate Bill No. 344, as amended, be passed by the following vote:

Ayes: Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Eck, Graham, Haffey, Hager, Halligan, Himsl, Jacobson, Mazurek, Norman, Ochsner, O'Hara, Regan, Ryan, Severson, Smith, Stimatz, Story, Thomas, Towe, Van Valkenburg.
Total 27

Noes: Aklestad, Anderson, Dover, Elliott, Etchart, Galt, Goodover, Hafferman, Hammond, Hazelbaker, Healy, Johnson, Keating, Kolstad, Lee, Manley, McCallum, Nelson, Olson, Stephens, Tveit, Mr. President.
Total 22

Excused: None.
Total 0

Absent or not voting: Manning.

Total 1

That House Bill No. 500, without objection, be placed at the bottom of the board.

That House Bill No. 655 be amended as follows:

1. Page 2, line 9.
Following: "an additional"
Strike: "2"
Insert: "2 ½"

Amendment passed by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

That House Bill No. 655, as amended, be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

That the following Statement of Intent, regarding House Bill No. 415, be adopted:

STATEMENT OF INTENT: House Bill No. 415

House bill 415 is intended to address a problem that arises under the Montana individual income tax laws and corporation license and income tax laws due to the relationship between the Montana adjusted gross income under the federal income tax laws. Under present law the liquidation of a corporation holding property in Montana can cause gain on the sale of the property to pass through to the stockholders of the corporation.

If the stockholders are not subject to Montana tax on this gain passing through, the state loses the revenue on what is essentially a state transaction, namely the sale of Montana property. This result occurs because of operation of the federal tax laws relating to corporation liquidations. House bill 415 addresses this situation by requiring the liquidating corporation to recognize that portion of the gain from a corporate liquidation under sections 331 or 337 of the Internal Revenue Code that passes through to stockholders, either individual or corporate, who are not subject to Montana tax, either individual income tax or corporate license tax, on the gain passed through pursuant to federal law. Because the provisions of House bill 415 require recognition of gain at the corporate level, it is also necessary to remove this gain from the income of the stockholders, in order to avoid the possibility of double taxation.

For the example we have a corporation L that owns property in Montana. The stockholders of L are an out-of-state corporation, S; an out-of-state individual, I; and a resident individual, R, each with an equal interest. Corporation L sells the property with a gain of $3,000,000 and liquidates pursuant to sections 331 through 337 of the Internal Revenue Code. Under present law, R, as a resident, would pay a tax on $1,000,000, but S and I would not be subject to Montana tax on the $1,000,000 passing through to them pursuant to federal law. Corporation L would not be subject to Montana tax. Under House bill 415, R would remain subject to tax on $1,000,000, but Corporation L would now become subject to tax on the $2,000,000 (that portion of the gain passing through to persons not subject to Montana income or license tax).

That the Statement of Intent was adopted by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

That House Bill No. 415 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.

Total 0

Absent or not voting: None.
Total 0

That House Bill No. 654 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

That Senate Bill No. 356 be amended as follows:

1. Title, line 8.
Following: "DATE"
Insert: "AND AN EFFECTIVE DATE"

2. Page 4.
Following: line 17
Insert: "Section 3. Effective date. This act is effective on passage and approval of senate bill 200."

Amendments passed by the following vote:

Ayes: Aklestad, Anderson, Crippen, Dover, Elliott, Etchart, Galt, Goodover, Hafferman, Hager, Hammond, Hazelbaker, Himsl, Johnson, Keating, Kolstad, Lee, Manley, McCallum, Nelson, Ochsner, O'Hara, Olson, Severson, Smith, Stephens, Story, Tveit, Mr. President.
Total 29

Noes: Berg, Blaylock, B. Brown, S. Brown, Conover, Eck, Graham, Haffey, Halligan, Healy, Jacobson, Manning, Mazurek, Norman, Regan, Ryan, Stimatz, Thomas, Towe, Van Valkenburg.
Total 20

Excused: None.
Total 0

Absent or not voting: Boylan.
Total 1

That Senate Bill No. 356, as amended, do pass by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Elliott, Etchart, Goodover, Graham, Hafferman, Haffey, Halligan, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Kolstad, Manley, Manning, Mazurek, McCallum, Nelson, Ochsner, O'Hara, Olson, Severson, Stephens, Stimatz, Thomas, Towe, Mr. President.
Total 36

Noes: Dover, Eck, Galt, Hager, Hammond, Keating, Lee, Norman, Regan, Ryan, Smith, Story, Tveit, Van Valkenburg.
Total 14

Excused: None.
Total 0

Absent or not voting: None.
Total 0

That Senate Bill No. 172 be amended as follows:

1. Page 2.
Following: line 11
Insert: "Section 3. Credit against the tax. There is a credit against the tax imposed under [section 2] for every dollar received by the counties in which such transmission lines are located from the federal government pursuant to the federal "in lieu of taxes" program to the extent that, and provided that, such payments in lieu of taxes can be directly attributed to the existence of the transmission lines in that county."
Renumber: subsequent sections

2. Page 2, line 22.
Following: "section"
Strike: "3"
Insert: "4"

3. Page 3, line 3.
Following: "section"
Strike: "4"
Insert: "5"

Amendments passed by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

That Senate Bill No. 172, as amended, do pass by the following vote:

Ayes: Anderson, Berg, S. Brown, Eck, Elliott, Etchart, Goodover, Graham, Hafferman, Hager, Halligan, Hammond, Keating, Lee, Manley, Manning, McCallum, Norman, Ochsner, O'Hara, Regan, Ryan, Towe, Tveit, Van Valkenburg.
Total 25

Noes: Aklestad, Blaylock, Boylan, B. Brown, Conover, Crippen, Galt, Haffey, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Kolstad, Mazurek,

Nelson, Olson, Severson, Smith, Stephens, Stimatz, Story, Thomas, Mr. President.
Total 24

Excused: None.
Total 0

Absent or not voting: Dover.
Total 1

That Senate Bill No. 344 be segregated from the Committee of the Whole Report. Motion failed by the following vote:

Ayes: Aklestad, Anderson, Elliott, Etchart, Galt, Goodover, Hafferman, Haffey, Hammond, Hazelbaker, Healy, Keating, Kolstad, Lee, Manley, Nelson, Olson, Stephens, Tveit.
Total 19

Noes: Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Graham, Hager, Halligan, Himsl, Jacobson, Johnson, Manning, Mazurek, McCallum, Norman, Ochsner, O'Hara, Regan, Ryan, Severson, Smith, Stimatz, Story, Thomas, Towe, Van Valkenburg, Mr. President.
Total 31

Excused: None.
Total 0

Absent or not voting: None.
Total 0

That the Committee rise and report and beg leave to sit again. (Mazurek, Chairman)

Upon motion of Senator Mazurek, duly carried, the foregoing Report of the Committee of the Whole was adopted.

At the request of the President, and without objection, the Senate reverted to Order of Business No. 6.

MOTIONS

Senator Stephens moved that the Joint Rules of the Forty-seventh Legislative Session be temporarily suspended in order to consider Senate Bills No. 172, No. 344 and No. 356, and House Bill No. 655, on Third Reading this day. Motion carried by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: Haffey.
Total 1

Senator Stephens moved, duly carried, that the Senate recess at the hour of 3:46 p.m. until the hour of 4:00 p.m.

Senator Stephens moved that the Joint Rules of the Forty-seventh Legislative Session be temporarily suspended in order to permit the members of the Legislative Fiscal Analyst's staff to be present on the floor during the consideration of House Bill No. 500. Motion carried by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Elliott, Etchart, Galt, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 47

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: Eck, Goodover, Healy.
Total 3

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

Senate Bill No. 344 was passed by the following vote:

Ayes: Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Eck, Graham, Haffey, Hager, Halligan, Himsl, Jacobson, Manning, Mazurek, Norman, Ochsner, O'Hara, Regan, Ryan, Severson, Smith, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg.
Total 29

Noes: Aklestad, Anderson, Dover, Elliott, Etchart, Galt, Goodover, Hafferman, Hammond, Hazelbaker, Healy, Johnson, Keating, Kolstad, Lee, Manley, McCallum, Nelson, Olson, Stephens, Mr. President.
Total 21

Excused: None.
Total 0

Absent or not voting: None.
Total 0

House Bill No. 655 was concurred in by the following vote:

Ayes: Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 47

Noes: Aklestad, Manning, Story.
Total 3

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Senate Bill No. 356 was passed by the following vote:

Ayes: Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Eck, Elliott, Etchart, Goodover, Graham, Hafferman, Haffey, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Manning, Mazurek, McCallum, Norman, O'Hara, Regan, Severson, Stephens, Stimatz, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 35

Noes: Aklestad, Crippen, Dover, Galt, Hager, Keating, Kolstad, Lee, Manley, Nelson, Ochsner, Olson, Ryan, Smith, Story.
Total 15

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Senate Bill No. 172 failed to pass by the following vote:

Ayes: Anderson, Berg, Boylan, S. Brown, Eck, Elliott, Etchart, Graham, Hafferman, Hager, Halligan, Johnson, Keating, Lee, Manley, Manning, McCallum, Norman, Ochsner, O'Hara, Regan, Ryan, Towe, Tveit, Van Valkenburg.
Total 25

Noes: Aklestad, Blaylock, B. Brown, Conover, Crippen, Dover, Galt, Goodover, Haffey, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Kolstad, Mazurek, Nelson, Olson, Severson, Smith, Stephens, Stimatz, Story, Thomas, Mr. President.
Total 25

Excused: None.
Total 0

Absent or not voting: None.
Total 0

At the request of the President, and without objection, the Senate reverted to Order of Business No. 8.

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Kolstad in the Chair.

Senate resumed. President Turnage in the Chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on Second Reading, recommend as follows:

House Bill No. 500 was explained and discussed from page 1, line 1, to page 31, line 14. Further discussion to be continued on Tuesday, April 7, 1981.

That the remainder of House Bill No. 500 pass consideration for the day, and that the Committee rise.

That the Committee rise and report. (Kolstad, Chairman)

At the request of the President, and without objection, the Senate reverted to Order of Business No. 2.

REPORTS OF STANDING COMMITTEES

The Senate will please take note that the President did, at the hour of 2:00 p.m., 4/6/81, sign the following bills:

SB 55, SB 57, SB 72, SB 84, SB 138, SB 246, SB 291, SB 345, SB 354, SB 367, SB 387, SB 403, SB 411, SB 436, SB 467, SB 468, HB 25, HB 760, HB 797, SJR 20, HJR 21.

Jean A. Turnage
President

BILLS (O'Hara, Chairman):

Correctly enrolled - SB 55, SB 57, SB 72, SB 84, SB 138, SB 246, SB 291, SB 345, SB 354, SB 367, SB 387, SB 403, SB 411, SB 436, SB 467, SB 468, SJR 20. Report adopted.

I have examined Senate Joint Resolution No. 20 introduced by me and find the same to be correct. (Crippen)

I have examined Senate Bill No. 468 introduced by me and find the same to be correct. (Towe)

I have examined Senate Bill No. 467 introduced by me and find the same to be correct. (Ryan)

I have examined Senate Bill No. 436 introduced by me and find the same to be correct. (Himsl)

I have examined Senate Bill No. 411 introduced by me and find the same to be correct. (Himsl)

I have examined Senate Bill No. 403 introduced by me and find the same to be correct. (Mazurek)

I have examined Senate Bill No. 387 introduced by me and find the same to be correct. (Himsl)

I have examined Senate Bill No. 367 introduced by me and find the same to be correct. (Keating)

I have examined Senate Bill No. 354 introduced by me and find the same to be correct. (S. Brown)

I have examined Senate Bill No. 345 introduced by me and find the same to be correct. (Halligan)

I have examined Senate Bill No. 291 introduced by me and find the same to be correct. (Hager)

I have examined Senate Bill No. 246 introduced by me and find the same to be correct. (Story)

I have examined Senate Bill No. 138 introduced by me and find the same to be correct. (Dover)

I have examined Senate Bill No. 84 introduced by me and find the same to be correct. (B. Brown)

I have examined Senate Bill No. 72 introduced by me and find the same to be correct. (Galt)

I have examined Senate Bill No. 57 introduced by me and find the same to be correct. (B. Brown)

I have examined Senate Bill No. 55 introduced by me and find the same to be correct. (B. Brown)

PRINTING (O'Hara, Chairman):
Correctly printed and placed on the members' desks - SB 15, SJR 34, SR 3. Report adopted.

BILLS (O'Hara, Chairman):
Signed by the Speaker of the House and President of the Senate, 4/6/81, at the hour of 3:00 p.m., delivered to the Governor for his approval - SB 47, SB 98, SB 175, SB 242, SB 268, SB 302, SB 303, SB 311, SB 382, SB 397, SB 448. Report adopted.

The Senate will please take note that the President did, at the hour of 11:50 a.m., 4/6/81, sign the following bills:
SB 47, SB 98, SB 242, SB 268, SB 302, SB 303, SB 311, SB 382, SB 397, SB 448.

Jean A. Turnage
President

Correctly enrolled - SB 47, SB 98, SB 242, SB 268, SB 302, SB 303, SB 311, SB 382, SB 397, SB 448. Report adopted.

I have examined Senate Bill No. 448 introduced by me and find the same to be correct. (M. Anderson)

I have examined Senate Bill No. 397 introduced by me and find the same to be correct. (S. Brown)

I have examined Senate Bill No. 382 introduced by me and find the same to be correct. (Turnage)

I have examined Senate Bill No. 311 introduced by me and find the same to be correct. (S. Brown)

I have examined Senate Bill No. 303 introduced by me and find the same to be correct. (McCallum)

I have examined Senate Bill No. 302 introduced by me and find the same to be correct. (McCallum)

I have examined Senate Bill No. 268 introduced by me and find the same to be correct. (Graham)

I have examined Senate Bill No. 242 introduced by me and find the same to be correct. (Ochsner)

I have examined Senate Bill No. 98 introduced by me and find the same to be correct. (Himsl)

I have examined Senate Bill No. 47 introduced by me and find the same to be correct. (Severson)

Upon motion of Senator Stephens, duly carried, the Senate adjourned at 5:49 p.m. until Tuesday, April 7, at the hour of 10:00 a.m.

JEAN A. TURNAGE
President of the Senate

JOHN W. LARSON
Secretary of the Senate

SEVENTY-SEVENTH LEGISLATIVE DAY

Helena, Montana
April 7, 1981

Senate Chambers
Capitol Building

Senate convened at 10:00 a.m., President Turnage presiding. Invocation by the Chaplain. Pledge of Allegiance to the Flag.

Roll call. All members present. Quorum present.

Mr. President: We, your Committee on Bills and Journal, having examined the daily journal for the Seventy-sixth Legislative Day, find the same to be correct.

O'HARA, Chairman

REPORTS OF STANDING COMMITTEES

FINANCE AND CLAIMS (Himsl, Chairman):
HB 307, be concurred in. Report adopted.

HB 653, third reading copy, be amended as follows:

1. Title, lines 6 and 7.
Following: "LIMITATION;"
Strike: "TO PROVIDE FOR SCHOOL LEVY RELIEF WHENEVER EXCESS REVENUES ARE COLLECTED;"

2. Title, lines 8 and 9.
Strike: "; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE"

3. Page 1, lines 19 through 21.
Following: "means the"
Strike: "total amount of money generated from state resources that is spent by any agency of state government"
Insert: "general fund appropriations, the earmarked fund appropriations, and the cash portion of the appropriations in the bond proceeds and insurance clearance fund"

4. Pages 3, 4 and 5.
Following: Page 3, line 11
Strike: Section 3, Section 4, and Section 5 in their entirety

And, as so amended, be concurred in. Report adopted.

HB 675, be concurred in. Report adopted.

TAXATION (Goodover, Chairman):
HB 18, third reading copy, be amended as follows:

1. Page 2, lines 7 and 8.
Following: "year" on line 7
Strike: "IN EXCESS OF HIS INTEREST EXPENSE FOR THE TAXABLE YEAR, EXCLUDING INTEREST EXPENSE ON A PRINCIPAL RESIDENCE"

And, as so amended, be concurred in. Report adopted.

HB 798, third reading copy, be amended as follows:

1. Title, line 8.
Following: "AUTHORITY"

Insert: "; CREATING AN ECONOMIC DEVELOPMENT GUARANTY FUND; PROVIDING FOR THE ISSUANCE OF GENERAL OBLIGATION BONDS TO FUND THE GUARANTY FUND"

2. Page 4, line 14.
Following: "finance."
Insert: "Two members of the authority must be active participants in the management of a financial institution."

3. Page 4, line 15.
Following: line 14
Strike: "(a) Two"
Insert: "(2) Three"
Following: "governor"
Reinsert: stricken language through line 16

4. Page 4, line 17.
Following: line 16
Strike: lines 17 through 19
Insert: "(3) The governor shall consider making appointments to the authority from a panel of names submitted as hereinafter provided. Two persons shall be appointed to the panel by each of the following individuals:"
Renumber: subsequent subsections

5. Page 4, line 24.
Following: line 23
Strike: line 24 through line 5 on page 5

6. Page 5, line 6.
Following: line 5
Insert: "(4)"
Renumber: subsequent sections

7. Page 5, line 16.
Following: "employee of"
Strike: "any business enterprise"
Insert: "a financial institution"

8. Page 5, line 18.
Following: line 17
Insert: "(8) Unless he is a full-time salaried officer or employee of this state or of a political subdivision of this state, each member is entitled to be paid $25 for each day in which he is actually and necessarily engaged in the performance of authority duties and he is also entitled to be reimbursed for travel expenses, as provided for in 2-18-501 through 2-18-503, incurred while in the performance of authority duties. Members who are full-time salaried officers or employees of this state or of a political subdivision of this state are not entitled to be compensated for their service as members but are entitled to be reimbursed for travel expenses as provided for in 2-18-501 through 2-18-503.

(9) The members of the authority shall be subject to senate confirmation as provided in 2-15-124."

9. Page 8, lines 10 through 16.
Following: line 9
Strike: lines 10 through 16
Renumber: subsequent subsections

10. Page 9, line 7.

Following: "(19)"
Strike: "make and"

11. Page 9, line 8.
Following: "agencies"
Insert: "under terms and conditions it prescribes and pursuant to [section 7]"

12. Page 11, line 15.
Following: "sum"
Strike: "equal to"
Insert: "not to exceed"

13. Page 11, line 16.
Following: "fee"
Insert: ", provided such fee is consistent with the terms of the internal revenue code and regulations adopted thereunder"

14. Page 12, lines 4 through 7.
Strike: subsection (4) in its entirety
Following: line 7
Insert: "(4) Loans made by the authority must be secured by any property or collateral the authority considers necessary.

(5) The authority shall by rule establish:

(a) procedures for soliciting and evaluating applications;

(b) a system for evaluating applications considering the following criteria:

(i) the applicant's net worth;

(ii) the applicant's inability to secure adequate financing from other sources at an interest rate that will allow a reasonable prospect for repayment;

(iii) the applicant's training and experience in the industry involved in the proposed project;

(iv) the applicant's prospects for succeeding in the proposed project;

(v) the degree to which the new or increased business resulting from the loan will meet the objectives of [section 2]; and

(vi) any other factors it may prescribe."
Reletter: subsequent subsections

15. Page 13, line 25.
Following: line 24
Strike: "$200"
Insert: "$50"

16. Page 20, line 9 through line 11 on page 21.
Strike: Section 18 in its entirety
Renumber: subsequent sections

17. Page 24.
Following: line 10
Insert: "Section 25. Economic development guaranty fund. (1) The authority shall create an economic development guaranty fund. The fund shall be held by a trustee or other fiduciary designated by the authority. There shall be deposited into the fund the proceeds of the sale of bonds authorized by [section 29] and such other revenues

and assets as the authority shall consider necessary to comply with any contract or agreement entered into by the authority under [this act].

(2) The amounts in the fund shall be used to satisfy any claim resulting from a defaulted loan. The amounts in the fund may also be used for any other purpose determined by the authority in accordance with guaranty contracts with financial institutions entered into pursuant to [this act], including without limitation, the protection of the interest of the authority in projects during periods of loan delinquency or upon loan defaults.

Section 26. Loan guaranty program. (1) The authority may guarantee and make commitments to guarantee payment required by a loan for any project upon such terms and conditions as the authority may prescribe in accordance with [this act]. In administering the quaranty program, the authority may require the payment of a fee or premium, establish application fees, and prescribed application, notification, contract and guaranty forms, rules, regulations and guidelines.

(2) A loan guaranteed by the authority under [this act] shall:

(a) be made for a project;

(b) be financed initially from the proceeds of notes or bonds issued pursuant to [section 8];

(c) be made to a borrower approved by the authority or lending institution as responsible;

(d) contain complete amortization provisions satisfactory to the authority; and

(e) be in such principal amount, be in such form, and contain such terms and provisions with respect to property insurance, repairs, alterations, payment of taxes and assessments, delinquency charges, and default remedies.

(3) The authority is authorized from time to time to enter into guaranties, insurance contracts, or any other agreement or contracts with respect to the guaranty fund and any guaranteed loan. Any such agreement or contract may contain terms and provisions necessary or desirable in connection with the guaranty program subject to the requirements established, including without limitation terms and provisions relating to loan documentation, review and approval procedures, origination and servicing rights and responsibilities, default obligations, procedures and obligations, and obligations with respect to guaranty contracts made under [this act].

(4) Any contract of guaranty made by the authority under the authorization of [this act] shall provide that claims payable thereunder shall be paid from any amounts available in the economic development guaranty fund and from any amounts available under the terms of any applicable contract or agreement with the financial institution which originated the guaranteed loan. The obligation of the authority to make payments under any such contract shall be limited solely to such sources, and shall not constitute a debt or liability of the authority or the state. Any guaranty contract and any rule, regulation, or guideline of the authority implementing the guaranty program may contain such other terms, provisions or conditions as the authority considers necessary or appropriate, including without limitation, those relating to the payment of guaranty

premiums, the giving of notice, claim procedure, the sources of payment for claims, the priority of competing claims for payment, the release or termination of loan security and borrower liability, the timing of payment, the maintenance and disposition of projects and the use of amounts received during periods of loan delinquency or upon default, and any other provision concerning the rights of insured parties or conditions to the payment of guaranty claims. Any premiums for the guaranty of loan payments under the provisions of [this act] may be determined on such basis, be payable by such person, and be payable in such amounts and at such times as the authority shall determine, and the amount of the premium need not be uniform among the various loans guaranteed.

(5) The minimum reserve requirement for the economic development guaranty fund shall be 10% of the aggregate amount of loans insured. No loan may be insured by the authority if such loan together with the aggregate of all other loans then insured exceeds ten times the amount of funds available in the economic development guaranty fund.

Section 27. Request for appropriations. (1) In order to assure the maintenance of the economic development guaranty fund, the chairman of the authority shall on or before September 1 in the year preceding the convening of the legislature deliver to the governor a certificate stating the sum, if any, required to restore the economic development guaranty fund to the minimum reserve requirement. The governor shall include in the executive budget submitted to the legislature the sum required to restore the economic development guaranty fund to the minimum capital reserve requirement.

(2) All amounts remitted to the authority under this section constitute loans to the authority and shall be repaid to the state treasury without interest from available operating revenues of the authority in excess of amounts required for the guaranty of loans.

Section 28. General obligation bonds authorized to fund economic development guaranty fund. (1) The board of examiners, upon the recommendation of the economic development authority created by [section 4], may issue and sell general obligation bonds in an amount not to exceed $5 million. The bonds shall be issued, sold, and retired in the same manner as prescribed in 17-5-403 for the long-range building program bonds.

(2) The proceeds of the sale of the bonds authorized by subsection (1) shall be deposited in the economic development guaranty fund as provided in [section 25].

Section 29. Report to the 48th legislature. The authority shall investigate the feasibility of guaranteeing loans of the authority through methods other than the economic development guaranty fund provided for in [sections 25 through 27] such as guaranteeing loans through private insurance coverage. The authority shall report its findings to the 48th legislature and make recommendations concerning whether to continue the economic development guaranty fund or to replace it with a more appropriate method of loan guaranty.

Section 30. Coordination instruction. If SB 432 is passed by the 47th legislature and approved by the governor, the "department" as defined in subsection (5) of [section 3] and to which the authority is allocated in subsections (5) and (6) of [section 4], shall be

changed from the department of administration to the department of commerce."

And, as so amended, be concurred in. Report adopted.

Statement of Intent, HB 798, third reading copy, be amended as follows:

1. Line 7.
Following: line 6
Strike: "Section"
Insert: "Sections"

2. Line 7.
Following: "5(3)"
Insert: ", 7(4), and 27(1)"

3. Line 14.
Following: "institutions,"
Insert: "procedures for guaranteeing loans under the loan guaranty program, review of loan applications, and"

4. Line 15.
Following: line 14
Strike: "acquiring"
Insert: "repossession"

And, as so amended, be concurred in. Report adopted.

MESSAGES FROM THE GOVERNOR

April 6, 1981

The Honorable Jean Turnage
President of the Senate
State Capitol
Helena, Montana 59620

Dear Mr. President:

This is to inform you that I have signed the following measures this date:

Senate Bill Nos. 368, 137, 330, 432.

Sincerely,

TED SCHWINDEN
Governor

April 6, 1981

The Honorable Jean A. Turnage
President of the Senate
State Capitol
Helena, Montana 59620

The Honorable Robert L. Marks
Speaker of the House
State Capitol
Helena, Montana 59620

Dear Senator Turnage and Representative Marks:

In accordance with the power vested in me as Governor by the Constitution and laws of the State of Montana, I hereby return House Bill

No. 197, "AN ACT TO GENERALLY CLARIFY AND REVISE THE PUBLIC EMPLOYEES' RETIREMENT SYSTEM ACT REGARDING MEMBERSHIP, CONTRIBUTIONS, AND BENEFITS; AMENDING SECTIONS 19-3-104, 19-3-201, 19-3-605, 19-3-703, 19-3-805, 19-3-902, 19-3-906, 19-3-1103, 19-3-1106, 19-3-1301, AND 19-3-1304, MCA; REPEALING SECTION 19-3-1303, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE," without my signature and recommend the attached amendment for the following reasons.

Section 4 amends Section 19-3-703 in such a way as to require that the accumulated contributions of an employee whose service is discontinued by other than death or retirement be refunded. The effect of this change is to eliminate the option, on the part of an employee who has five or more years of service and who terminates before retirement age, to leave his contributions in the system and draw a retirement allowance upon reaching retirement age.

I am proposing an amendment to insert language to allow a choice on the part of the terminating employee to leave his accumulated contributions in the system.

I urge your concurrence in this amendment.

Sincerely,

TED SCHWINDEN
Governor

GOVERNOR'S PROPOSED AMENDMENT TO HOUSE BILL NO. 197

1. Page 10, line 3.
Following: "contributions"
Insert: "at his request."

April 6, 1981

The Honorable Jean A. Turnage
President of the Senate
State Capitol
Helena, Montana 59620

The Honorable Robert L. Marks
Speaker of the House
State Capitol
Helena, Montana 59620

Dear Senator Turnage and Representative Marks:

In accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby return House Bill No. 69, "AN ACT TO REVISE THE APPROPRIATION AND BUDGET PROCEDURES RELATING TO COMMUNITY COLLEGES; AMENDING SECTIONS 20-15-403 AND 20-15-404, MCA; AND REPEALING SECTIONS 20-15-302, 20-15-303, 20-15-306, AND 20-15-307, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE," without my signature and recommend the attached amendment for the following reason.

It appears that a phrase was inadvertently deleted from Section 4(1)(b) during the bill printing process. The proposed amendment is simply to insert the deletion.

I urge your concurrence in this amendment.

Sincerely,

TED SCHWINDEN
Governor

GOVERNOR'S PROPOSED AMENDMENT TO HOUSE BILL NO. 69

1. Page 5, line 9.
Following: "TOTAL"
Insert: "SUBTRACTED FROM THE TOTAL"

April 6, 1981

The Honorable Jean Turnage
President of the Senate
Montana State Senate
State Capitol
Helena, Montana 59620

Dear Senator Turnage:

In accordance with Chapter 50, Session Laws of 1981, I respectfully submit to the Montana Senate the names of Gerald Mueller and Keith L. Colbo as members of the Pacific Northwest Electric Power and Conservation Planning Council.

Sincerely,

TED SCHWINDEN
Governor

April 6, 1981

The Honorable Jean Turnage
President of the Senate
Montana State Senate
State Capitol
Helena, Montana 59620

Dear Senator Jean Turnage:

Montana's property tax system is in deep trouble. Because local governments and public education depend on property taxes as a primary source of revenue, we must address the problems confronting our property tax system and the jurisdictions dependent on property taxes for funding.

Property reappraisal is a political "hot potato". Most of us in public office would prefer to drop the subject, or treat it with benign neglect, rather than suffer the complaints of property owners seeking to convince legislators and the public alike that reappraisal will automatically lead to higher taxes. Property reappraisal is not meant to raise taxes, but to restore equity to the property tax system, which raises more than $420 million annually. Of this amount, 59 percent supports local schools, 3 percent supports the university system, 33 percent supports local government, and the remaining 5 percent funds several miscellaneous programs.

The problems that beset the system are so fundamental they threaten its existence, and the lack of uniformity in the property tax base is the most critical. How can there be equity in a system where personal property is valued annually —- real property is valued on a five-year cycle —- agricultural land is valued through productivity statistics from the late 1950s

and early 1960s —- and much of the industrial property in the state has never been professionally appraised?

Interest groups eager for property tax relief have successfully pressured the Legislature to reclassify certain types of property —- but reclassification does not necessarily lead to equity. Equity occurs only when tax responsibility is placed where it belongs by a current, accurate and comprehensive property appraisal system. Reappraising the worth of real property can expand the local tax base —- thereby leading to decreased mill levies. It could also lead to property tax relief for the average homeowner by requiring other property owners to pay their fair share of taxes on undervalued property.

The implications of not reappraising real property are grave, including an expanding series of lawsuits over the unequal treatment between real and personal property. Litigation would force the state to administer the system properly, or to abandon the property tax system as a means to raise local revenue. And, abandonment of the property tax system would inevitably mean replacing property taxes with another tax.

The state has a constitutional mandate to administer the appraisal program. If we plan to rely on property taxes for local revenue in the future, then we have a responsibility to administer the system correctly —- with timely reappraisals an essential part of that process. Allowing the system to erode will only lead to further deterioration of public confidence in government.

There have been many mistakes made in the past in the reappraisal effort. I will make no guarantee of a perfect system, but I will pledge our commitment to develop a detailed reappraisal plan for submission to the Revenue Oversight Committee by July 1, 1981. The Department of Revenue will also provide the Oversight Committee with quarterly reports on the status of the project. My goal is to develop a well-run reappraisal effort during the biennium.

Let us then address the issue of reappraisal before the 47th session adjourns and adequately fund the reappraisal program for the 1981-83 biennium. We have dragged our feet too long; it's time to take the bull by the horns and bring Montana's property tax system into the 1980s.

Sincerely,

TED SCHWINDEN
Governor

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following Senate Bills were on 4/6/81, concurred in as amended, and returned to the Senate for concurrence in House Amendments:

Senate Bill No. 257, introduced by S. Brown (64-30)

Senate Bill No. 409, introduced by Manning (93-0)

Senate Bill No. 483, introduced by Comm. (63-31)

Senate Bill No. 42, introduced by S. Brown (87-8)

The following House Joint Resolution was on 4/6/81, passed and transmitted to the Senate for concurrence:

House Joint Resolution No. 52, introduced by Sivertsen (70-23)

The following House Bills were on 4/6/81, passed and transmitted to the Senate for concurrence:

House Bill No. 609, introduced by Fabrega (91-4)

House Bill No. 676, introduced by Harper (82-11)

House Bill No. 834, introduced by Fabrega (86-8)

House Bill No. 835, introduced by O'Hara (76-14)

House Bill No. 854, introduced by Ernst (73-21)

House Bill No. 499, introduced by Oberg (53-38)

House Bill No. 851, introduced by Bardanouve (93-2)

House Bill No. 846, introduced by Asay (95-0)

House Bill No. 861, introduced by Hurwitz (95-0)

House Bill No. 19, introduced by Donaldson (90-5)

House Bill No. 828, introduced by Fagg (89-5)

House Bill No. 620, introduced by Burnett (73-21)

House Bill No. 767, introduced by Donaldson (82-13)

House Bill No. 810, introduced by Lund (89-5)

House Bill No. 827, introduced by Lory (67-27)

House Bill No. 863, introduced by Lund (76-18)

House Bill No. 864, introduced by Lund (70-16)

House Bill No. 865, introduced by Lund (66-28)

House Bill No. 580, introduced by Feda (69-24)

House Bill No. 838, introduced by Lund (93-1)

House Bill No. 855, introduced by Shontz (90-4)

House Bill No. 568, introduced by Hemstad (73-21)

House Bill No. 674, introduced by Fabrega (94-0)

House Bill No. 709, introduced by Neuman (93-2)

House Bill No. 859, introduced by Fagg (85-10)

House Bill No. 27, introduced by Keyser (82-13)

House Bill No. 160, introduced by Sales (94-0)

House Bill No. 469, introduced by Thoft (61-34)

MOTIONS

Senator Stephens moved, duly carried, that the President be authorized to appoint a Conference Committee to confer on the House Amendments to Senate Bill No. 33.

The President appointed the following committee:

Senator Goodover, Chairman
Senator Olson
Senator Mazurek

Senator Stephens moved, duly carried, that the President be authorized to appoint a Conference Committee to confer on the House Amendments to Senate Bill No. 152.

The President appointed the following committee:

Senator Elliott, Chairman
Senator Keating
Senator Mazurek

Senator Stephens moved, duly carried, that the President be authorized to appoint a Free Conference Committee to confer on Senate Bill No. 219.

The President appointed the following committee:

Senator O'Hara, Chairman
Senator Crippen
Senator Towe

Senator Stephens moved, duly carried, that the President be authorized to appoint a Free Conference Committee to confer on Senate Bill No. 243.

The President appointed the following committee:

Senator Dover, Chairman
Senator Lee
Senator Graham

Senator Stephens moved, duly carried, that the President be authorized to appoint a Free Conference Committee to confer on Senate Bill No. 253.

The President appointed the following committee:

Senator B. Brown, Chairman
Senator Hager
Senator Regan

Senator Stephens moved, duly carried, that the President be authorized to appoint a Free Conference Committee to confer on Senate Bill No. 258.

The President appointed the following committee:

Senator Keating, Chairman
Senator Dover
Senator S. Brown

Senator Stephens moved, duly carried, that the Senate recess at the hour of 10:14 a.m. until the hour of 10:45 a.m.

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Kolstad in the Chair.

Senate resumed. President Pro Tempore Kolstad in the Chair.

Mr. President Pro Tempore: We, your Committee of the Whole, having had under consideration business on Second Reading, recommend as follows:

House Bill No. 500 was further explained and discussed from page 31, line 14.

That further consideration of House Bill No. 500 be passed until the hour of 2:30 p.m. this day. Unanimously passed.

That the Committee rise. (Kolstad, Chairman)

At the request of the President Pro Tempore, and without objection, the Senate reverted to Order of Business No. 6.

MOTIONS

Senator Stephens moved, duly carried, that the Senate recess at the hour of 12:01 p.m. until the hour of 2:30 p.m.

At the request of the President Pro Tempore, and without objection, the Senate reverted to Order of Business No. 2.

REPORTS OF STANDING COMMITTEES

BILLS (O'Hara, Chairman):
Correctly enrolled - SB 125, SB 308, SB 342, SB 404, SB 412, SB 456. Report adopted.

I have examined Senate Bill No. 125 introduced by me and find the same to be correct. (Dover)

I have examined Senate Bill No. 308 introduced by me and find the same to be correct. (Himsl)

I have examined Senate Bill No. 342 introduced by me and find the same to be correct. (S. Brown)

I have examined Senate Bill No. 404 introduced by me and find the same to be correct. (Mazurek)

I have examined Senate Bill No. 412 introduced by me and find the same to be correct. (S. Brown)

I have examined Senate Bill No. 456 introduced by me and find the same to be correct. (Mazurek)

The Senate will please take note that the President did, at the hour of 11:10 a.m., 4/7/81, sign the following bills:
SB 125, SB 308, SB 342, SB 404, SB 412, SB 456.

Jean A. Turnage
President

FINANCE AND CLAIMS (Himsl, Chairman):
HB 542, third reading copy, be amended as follows:

1. Title, line 9.
Following: "COUNTIES;"
Insert: "PROVIDING THAT THE APPROPRIATION IS CONTINGENT UPON RECEIPT OF FEDERAL MATCHING FUNDS;"

2. Page 1, line 12.
Following: "Appropriation"
Insert: "contingency"
Following: "Appropriation."
Insert: "(1)"

3. Page 1, line 19.
Following: line 18
Insert: "(2) This appropriation is made contingent upon the receipt of $46,000 in federal matching funds."

And, as so amended, be concurred in. Report adopted.

MOTIONS

Senator Stephens moved, duly carried, that House Amendments to Senate Bill No. 426 be taken from Second Reading and that Senate Bill

No. 426 be sent to the Committee on Bills and Journal for the purpose of enrolling.

Senator Stephens moved, duly carried, that House Amendments to Senate Joint Resolution No. 19 be taken from Second Reading and that Senate Joint Resolution No. 19 be sent to the Committee on Bills and Journal for the purpose of enrolling.

FIRST READING OF BILLS

The following House bills were introduced, read first time and referred to committees:

HB 19, introduced by Donaldson. Referred to Committee on Finance and Claims.
HB 27, introduced by Keyser. Referred to Committee on Taxation.
HB 160, introduced by Sales, Waldron, Thoft. Referred to Committee on Taxation.
HB 469, introduced by Thoft, Bennett, Nordtvedt, Keyser, Briggs, Conn, Anderson, Robbins, Keedy, Ellerd, Sales. Referred to Committee on Finance and Claims.
HB 499, introduced by Oberg. Referred to Committee on Taxation.
HB 568, introduced by Hemstad, Pavlovich, Donaldson, Fabrega, Nordtvedt, McBride, Dozier, Conn, Bergene, Keedy, Harp, Oberg, Asay, Meyer, B. Brown, Dussault, Daily, Quilici, Ochsner, Lory, Anderson, Iverson, Matsko, Kitselman, Menahan, Andreason, Manuel, Roush, Bengtson, Kropp, Harper, Stobie, Stimatz, Metcalf, Yardley, Phillips, Jacobsen, Kessler, Seifert, Bennett, Robbins, Harrington, C. Smith, Ellison, Vinger, McLane, Kemmis, O'Connell, Zabrocki, Marks, D. O'Hara, Burnett. Referred to Committee on Finance and Claims.
HB 580, introduced by Feda, (By Request of the Montana Salary Commission and the House Committee on State Administration). Referred to Committee on State Administration.
HB 609, introduced by Fabrega, Harp, Moore. Referred to Committee on Taxation.
HB 620, introduced by Burnett, (By Request of the Department of Military Affairs). Referred to Committee on Finance and Claims.
HB 674, introduced by Fabrega, Nilson, Dussault, Vincent, R. Manning, Lee, Gould, Ryan. Referred to Committee on Finance and Claims.
HB 676, introduced by Harper, (By Request of the Study Committee on State Mandates and the Effects of State-Owned Property on Local Governments). Referred to Committee on Finance and Claims.
HB 709, introduced by Neuman, Bertelsen, Roth, Sales, Bergene, Roush, Holliday, Nordtvedt, C. Smith, Kennerly, J. O'Hara, Briggs, Ernst, Matsko, Manuel, Iverson, Ellerd, (By Request of the Department of Natural Resources and Conservation). Referred to Committee on Finance and Claims.
HB 767, introduced by Donaldson. Referred to Committee on Finance and Claims.
HB 810, introduced by Lund. Referred to Committee on Finance and Claims.
HB 827, introduced by Lory. Referred to Committee on Finance and Claims.
HB 828, introduced by Fagg, Marks, Bardanouve, Kemmis, (By Request of the Governor's Office). Referred to Committee on Finance and Claims.
HB 834, introduced by Fabrega, Goodover. Referred to Committee on Taxation.
HB 835, introduced by D. O'Hara. Referred to Committee on Taxation.

HB 838, introduced by Lund, Committee on Appropriations, (By Request of the House Appropriations Committee). Referred to Committee on Finance and Claims.

HB 846, introduced by Asay, Ochsner, Roth, Devlin, Conroy, Keating, McLane, Kemmis, Curtiss, Switzer, Huennekens, Zabrocki, Galt, Graham, (By Request of the Department of Natural Resources and Conservation). Referred to Committee on Finance and Claims.

HB 851, introduced by Bardanouve, Roth, Briggs, Neuman, Moore, Williams, Shelden, Dussault, McBride, Hemstad, Kennerly, Yardley, Manuel, Oberg, Bengtson, Lory, Galt, Marks, Shontz, Quilici, D. Brown, Sales, Kropp, Schultz, Ellison, Bennett, R. Manning, Huennekens, Eudaily, Menahan, Kitselman, (By Request of the Governor). Referred to Committee on Finance and Claims.

HB 854, introduced by Ernst, Shontz, Jacobsen, Kolstad, Quilici, Feda, Donaldson, Aklestad, E. Smith, D. Brown, Schultz, Manuel, Brand, Iverson, Roth. Referred to Committee on Finance and Claims.

HB 855, introduced by Shontz, Quilici, Moore, Vinger, Dover, Fabrega, Kemmis, Dussault. Referred to Committee on Finance and Claims.

HB 859, introduced by Fagg, Hannah, Winslow, D. O'Hara, Cozzens, Keating, Vinger, Hager, Conover, Andreason, Kitselman, J. O'Hara, Burnett, Teague, Ochsner, Crippen, Dover. Referred to Committee on Taxation.

HB 861, introduced by Hurwitz, Manning, Severson, Conroy. Referred to Committee on Finance and Claims.

HB 863, introduced by Lund, Committee on Appropriations. Referred to Committee on Finance and Claims.

HB 864, introduced by Lund. Referred to Committee on Finance and Claims.

HB 865, introduced by Lund, Committee on Appropriations. Referred to Committee on Finance and Claims.

The following House Joint Resolution was introduced, read first time and referred to committee:

HJR 52, introduced by Sivertsen, Norman, Turnage, Goodover, Williams, (By Request of the House Joint Resolution No. 5 Committee). Referred to Committee on Taxation.

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Kolstad in the Chair.

Senate resumed. President Pro Tempore Kolstad in the Chair.

Mr. President Pro Tempore: We, your Committee of the Whole, having had under consideration business on Second Reading, recommend as follows:

House Bill No. 500 was further explained and discussed through page 71, line 23.

That further consideration of House Bill No. 500 be passed. Motion carried.

That the Committee rise. (Kolstad, Chairman)

At the request of the President Pro Tempore, and without objection, the Senate reverted to Order of Business No. 6.

MOTIONS

Senator Tveit moved, duly carried, that his vote on Senate Bill No. 356, taken on April 6, 1981, be changed from "aye" to "no".

Upon motion of Senator Stephens, duly carried, the Senate adjourned at 4:08 p.m. until Wednesday, April 8, at the hour of 1:30 p.m.

ALLEN C. KOLSTAD
President Pro Tempore of the Senate

JOHN W. LARSON
Secretary of the Senate

SEVENTY-EIGHTH LEGISLATIVE DAY

Helena, Montana
April 8, 1981

Senate Chambers
Capitol Building

Senate convened at 1:30 p.m., President Turnage presiding. Invocation by the Chaplain. Pledge of Allegiance to the Flag.

Roll call. All members present. Quorum present.

Mr. President: We, your Committee on Bills and Journal, having examined the daily journal for the Seventy-seventh Legislative Day, find the same to be correct.

O'HARA, Chairman

REPORTS OF STANDING COMMITTEES

BILLS (O'Hara, Chairman):
Signed by the Speaker of the House and President of the Senate, 4/8/81, at the hour of 9:45 a.m., delivered to the Governor for his approval - SB 125, SB 308, SB 342, SB 404, SB 412, SB 456. Report adopted.

Signed by the Speaker of the House and President of the Senate, 4/8/81, at the hour of 9:40 a.m., delivered to the Governor for his approval - SB 55, SB 57, SB 72, SB 84, SB 138, SB 246, SB 291, SB 345, SB 354, SB 367, SB 387, SB 403, SB 411, SB 436, SB 467, SB 468. Report adopted.

LEGISLATIVE ADMINISTRATION (Kolstad, Chairman):
Respectfully reports as follows:

That the following attache of the Senate be terminated as of 5:00 p.m. on Friday, April 3, 1981.

Agnes Lesofski.....Proofreader

That the following attache of the Senate be terminated as of 5:00 p.m. on Monday, April 6, 1981.

Marjorie Nichols .....Standing Comm. Secy.

Report adopted.

RULES (Stephens, Chairman):
Respectfully reports as follows:

That Senate Bill No. 240 be assigned to a Free Conference Committee. (Keedy amendment is improper due to the fact it carries the same language as HB 531 which was killed on Adverse Committee Report)

Report adopted.

FINANCE AND CLAIMS (Himsl, Chairman):
HB 776, be concurred in. Report not adopted.

Minority Report

Minority Committee members are:

Senator Jacobson
Senator Thomas
Senator Boylan
Senator Van Valkenburg
Senator Regan

Senator Haffey
Senator Stimatz
Senator Johnson

Thereupon, the Minority Committee Report was not adopted by the following roll call vote:

Ayes: Berg, Blaylock, Boylan, S. Brown, Conover, Eck, Hafferman, Haffey, Halligan, Healy, Jacobson, Johnson, Kolstad, Manning, Mazurek, Norman, Regan, Ryan, Stimatz, Thomas, Towe, Van Valkenburg.
Total 22

Noes: Aklestad, Anderson, B. Brown, Crippen, Dover, Elliott, Etchart, Galt, Goodover, Graham, Hager, Hammond, Himsl, Keating, Lee, Manley, McCallum, Nelson, Ochsner, O'Hara, Olson, Severson, Smith, Stephens, Story, Tveit, Mr. President.
Total 27

Excused: None.
Total 0

Absent or not voting: Hazelbaker.
Total 1

HB 776, be not concurred in.

Thereupon, the Adverse Committee Report was adopted by the following roll call vote:

Ayes: Aklestad, Anderson, Boylan, B. Brown, Crippen, Dover, Elliott, Etchart, Galt, Goodover, Graham, Hager, Hammond, Himsl, Keating, Lee, Manley, McCallum, Nelson, Ochsner, O'Hara, Olson, Severson, Smith, Stephens, Story, Tveit, Mr. President.
Total 28

Noes: Berg, Blaylock, S. Brown, Conover, Eck, Haffey, Halligan, Healy, Jacobson, Johnson, Kolstad, Manning, Mazurek, Norman, Regan, Ryan, Stimatz, Thomas, Towe, Van Valkenburg.
Total 20

Excused: None.
Total 0

Absent or not voting: Hafferman, Hazelbaker.
Total 2

REPORTS OF SELECT COMMITTEES

FREE CONFERENCE COMMITTEE ON SENATE BILL NO. 341

Report No. 1, April 8, 1981

MR. PRESIDENT AND SPEAKER OF THE HOUSE:

We, your Free Conference Committee on Senate Bill No. 341, met April 8, 1981, and considered:

House Judiciary Committee Amendments to the Third Reading copy, dated March 16, 1981, and recommend as follows:

That the House recede from Committee Amendment No. 1;

That the Senate accede to Committee Amendment No. 2;

That Senate Bill No. 341 be further amended as specified in CLERICAL INSTRUCTION NO. 2;

That the reference copy of Senate Bill No. 341 read as specified in the CLERICAL INSTRUCTIONS;

And, that the Conference Committee Report to Senate Bill No. 341 be adopted.

CLERICAL INSTRUCTIONS:

1. Title, line 7.
Following: "AN"
Strike: "ACT OR"

2. Title, line 7.
Following: "COMMITTED AN"
Insert: "ACT OR"

FOR THE SENATE:

Senator Mazurek, Chairman
Senator Hammond
Senator O'Hara

FOR THE HOUSE:

Representative Hannah, Chairman
Representative Keedy
Representative Conn

Report adopted.

MESSAGES FROM THE GOVERNOR

April 7, 1981

The Honorable Jean Turnage
President of the Senate
State Capitol
Helena, Montana 59620

Dear Mr. President:

This is to inform you that I have signed the following measures this date:

Senate Bill Nos. 193, 166, 124, 400, 217.

Sincerely,

TED SCHWINDEN
Governor

April 7, 1981

The Honorable Jean Turnage
President of the Senate
Montana State Senate
State Capitol
Helena, Montana 59620

Dear Senator Jean Turnage:

In accordance with Chapter 274, Session Laws of 1981, I respectfully submit to the Montana Senate the name of Mr. Gary Buchanan as Director of the Department of Commerce.

He will serve at the pleasure of the Governor.

Sincerely,

TED SCHWINDEN

Governor

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The House on 4/7/81, authorized the Speaker to appoint a Conference Committee on House Amendments to Senate Bill No. 33.

The Speaker appointed the following members:

Representative Seifert, Chairman
Representative Bennett
Representative Keedy

The House on 4/7/81, authorized the Speaker to appoint a Conference Committee on House Amendments to Senate Bill No. 152.

The Speaker appointed the following members:

Representative Hannah, Chairman
Representative Sales
Representative Dussault

The House on 4/7/81, authorized the Speaker to appoint a Free Conference Committee on House Amendments to Senate Bill No. 219.

The Speaker appointed the following members:

Representative Keyser, Chairman
Representative Matsko
Representative Keedy

The House on 4/7/81, authorized the Speaker to appoint a Free Conference Committee on House Amendments to Senate Bill No. 243.

The Speaker appointed the following members:

Representative Roth, Chairman
Representative Thoft
Representative Conroy

The House on 4/7/81, authorized the Speaker to appoint a Free Conference Committee on House Amendments to Senate Bill No. 253.

The Speaker appointed the following members:

Representative Anderson, Chairman
Representative Conn
Representative Yardley

The House on 4/7/81, authorized the Speaker to appoint a Free Conference Committee on House Amendments to Senate Bill No. 258.

The Speaker appointed the following members:

Representative Winslow, Chairman
Representative Feda
Representative O'Connell

The following Senate Amendments to House Bills were concurred in on 4/7/81:

Senate Amendments to House Bill No. 38, introduced by Stobie (85-9)

Senate Amendments to House Bill No. 573, introduced by Nordtvedt (85-12)

Senate Amendments to House Bill No. 596, introduced by Williams (96-0)

Senate Amendments to House Bill No. 607, introduced by Harp (94-1)

Senate Amendments to House Bill No. 74, introduced by Harper (92-2)

Senate Amendments to House Bill No. 88, introduced by Vincent (91-3)

Senate Amendments to House Bill No. 96, introduced by Feda (93-1)

Senate Amendments to House Bill No. 110, introduced by Pavlovich (95-0)

Senate Amendments to House Bill No. 215, introduced by Keedy (92-3)

Senate Amendments to House Bill No. 265, introduced by Ellison (88-7)

Senate Amendments to House Bill No. 291, introduced by Huennekens (92-4)

Senate Amendments to House Bill No. 299, introduced by Shontz (97-0)

Senate Amendments to House Bill No. 367, introduced by Dussault (94-1)

Senate Amendments to House Bill No. 379, introduced by Hemstad (94-1)

Senate Amendments to House Bill No. 389, introduced by Hart (94-1)

Senate Amendments to House Bill No. 413, introduced by Bertelsen (94-2)

Senate Amendments to House Bill No. 481, introduced by Nordtvedt (96-0)

Senate Amendments to House Bill No. 484, introduced by Nordtvedt (92-5)

Senate Amendments to House Bill No. 502, introduced by Anderson (96-1)

Senate Amendments to House Bill No. 510, introduced by Lory (90-6)

Senate Amendments to House Bill No. 545, introduced by Sivertsen (95-2)

Senate Amendments to House Bill No. 550, introduced by Kemmis (81-14)

Senate Amendments to House Bill No. 7, introduced by Keyser (95-0)

MOTIONS

Senator Stephens moved that the Joint Rules of the Forty-seventh Legislative Session be temporarily suspended in order to place House Bill No. 18 on Second Reading this day. Motion carried by the following vote:

Ayes: Aklestad, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 46

Noes: Elliott, Manley.
Total 2

Excused: None.
Total 0

Absent or not voting: Anderson, Hazelbaker.
Total 2

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

House Bill No. 415 was concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: Hazelbaker.
Total 1

House Bill No. 654 was concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: Crippen.
Total 1

Excused: None.
Total 0

Absent or not voting: Hazelbaker.
Total 1

SPECIAL ORDERS OF THE DAY

Mr. Houck, state architect, presented plans for the remodeling of the Capitol Building as proposed in Senate Joint Resolution No. 21.

At the request of the President, and without objection, the Senate reverted to Order of Business No. 6.

MOTIONS

Senator Stephens moved, duly carried, that the Senate recess at the hour of 2:26 p.m., subject to the Call of the Chair.

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Kolstad in the Chair.

Senate resumed. President Turnage in the Chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on Second Reading, recommend as follows:

That House Bill No. 18 be amended as follows:

1. Page 2, line 9.
Following: "including"
Strike: "$1,000"
Insert: "$800"

2. Page 2, line 10.
Following: "and"
Strike: "$2,000"
Insert: "$1,600"

Amendments passed by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

That House Bill No. 18, as amended, be concurred in by the following vote:

Ayes: Aklestad, Anderson, Blaylock, S. Brown, Conover, Crippen, Eck, Etchart, Galt, Goodover, Graham, Hafferman, Halligan, Hammond, Himsl, Jacobson, Johnson, Kolstad, Lee, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Stephens, Story, Thomas, Towe, Tveit, Mr. President.
Total 35

Noes: Berg, Boylan, B. Brown, Dover, Elliott, Haffey, Hager, Manley, Smith, Van Valkenburg.
Total 10

Excused: None.
Total 0

Absent or not voting: Hazelbaker, Healy, Keating, Manning, Stimatz.
Total 5

That Senate Bill No. 15 do pass by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham,

Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

That the Committee rise. Motion failed by the following vote:

Ayes: Anderson, Berg, Blaylock, S. Brown, Conover, Eck, Haffey, Halligan, Jacobson, Manley, Manning, Mazurek, Norman, Regan, Ryan, Stimatz, Towe, Van Valkenburg.
Total 18

Noes: Aklestad, Boylan, B. Brown, Crippen, Dover, Elliott, Etchart, Galt, Goodover, Hafferman, Hager, Hammond, Hazelbaker, Himsl, Johnson, Kolstad, Lee, McCallum, Nelson, O'Hara, Olson, Severson, Smith, Stephens, Story, Thomas, Tveit, Mr. President.
Total 28

Excused: None.
Total 0

Absent or not voting: Graham, Healy, Keating, Ochsner.
Total 4

That the Committee rise and report. Motion carried by the following vote:

Ayes: Aklestad, Boylan, B. Brown, Crippen, Dover, Elliott, Etchart, Galt, Goodover, Graham, Hager, Halligan, Hammond, Hazelbaker, Johnson, Kolstad, Lee, Manning, McCallum, Nelson, O'Hara, Olson, Severson, Smith, Stephens, Story, Thomas, Tveit, Van Valkenburg, Mr. President.
Total 30

Noes: Anderson, Berg, Blaylock, S. Brown, Conover, Eck, Hafferman, Haffey, Himsl, Jacobson, Manley, Mazurek, Norman, Ryan, Stimatz, Towe.
Total 16

Excused: None.
Total 0

Absent or not voting: Healy, Keating, Ochsner, Regan.
Total 4

At the request of the President, and without objection, the Senate reverted to Order of Business No. 6.

MOTIONS

Senator Stephens moved, duly carried, that the Senate recess at the hour of 3:22 p.m., subject to the Call of the Chair.

At the request of the President, and without objection, the Senate reverted to Order of Business No. 2.

REPORTS OF STANDING COMMITTEES

I have examined Senate Bill No. 37 introduced by me and find the same to be correct. (Himsl)

I have examined Senate Bill No. 74 introduced by me and find the same to be correct. (Thomas)

I have examined Senate Bill No. 142 introduced by me and find the same to be correct. (Blaylock)

I have examined Senate Bill No. 239 introduced by me and find the same to be correct. (Hazelbaker)

I have examined Senate Bill No. 321 introduced by me and find the same to be correct. (Halligan)

I have examined Senate Bill No. 363 introduced by me and find the same to be correct. (Ochsner)

I have examined Senate Bill No. 370 introduced by me and find the same to be correct. (M. Anderson)

I have examined Senate Bill No. 428 introduced by me and find the same to be correct. (Keating)

I have examined Senate Bill No. 434 introduced by me and find the same to be correct. (Tveit)

I have examined Senate Bill No. 481 introduced by me and find the same to be correct. (Story)

BILLS (O'Hara, Chairman):
Correctly enrolled - SB 37, SB 74, SB 142, SB 239, SB 321, SB 363, SB 370, SB 428, SB 434, SB 481. Report adopted.

The Senate will please take note that the President did, at the hour of 4:00 p.m., 4/8/81, sign the following bills:
SB 37, SB 74, SB 142, SB 239, SB 321, SB 363, SB 370, SB 428, SB 434, SB 481, HB 561, HB 622, HB 804.

Jean A. Turnage
President

MOTIONS

Senator Stephens moved that the Joint Rules of the Forty-seventh Legislative Session be temporarily suspended in order to place House Bill No. 18 and Senate Bill No. 15 on Third Reading this day. Motion carried by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: Etchart, Severson.
Total 2

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

House Bill No. 18 was concurred in by the following vote:

Ayes: Aklestad, Anderson, Blaylock, S. Brown, Conover, Crippen, Eck, Goodover, Graham, Hafferman, Haffey, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Stephens, Stimatz, Story, Thomas, Towe, Mr. President.
Total 38

Noes: Berg, Boylan, B. Brown, Dover, Elliott, Galt, Hager, Manley, Smith, Tveit, Van Valkenburg.
Total 11

Excused: None.
Total 0

Absent or not voting: Etchart.
Total 1

Senate Bill No. 15 was passed by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: Etchart.
Total 1

At the request of the President, and without objection, the Senate reverted to Order of Business No. 6.

MOTIONS

Senator Stephens moved, duly carried, that Senate Bill No. 278 be taken from the Committee on Bills and Journal and rereferred to the Committee on Rules.

Senator Turnage moved, duly carried, that consideration on Second Reading of House Bill No. 397 be deferred until Tuesday, April 14, 1981.

Upon motion of Senator Stephens, duly carried, the Senate adjourned at 6:41 p.m. until Thursday, April 9, at the hour of 11:00 a.m.

JEAN A. TURNAGE
President of the Senate

JOHN W. LARSON
Secretary of the Senate

SEVENTY-NINTH LEGISLATIVE DAY

Helena, Montana
April 9, 1981

Senate Chambers
Capitol Building

Senate convened at 11:00 a.m., President Turnage presiding. Invocation by the Chaplain. Pledge of Allegiance to the Flag.

Roll call. All members present except Towe, excused. Quorum present.

Mr. President: We, your Committee on Bills and Journal, having examined the daily journal for the Seventy-eighth Legislative Day, find the same to be correct.

O'HARA, Chairman

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Kolstad in the Chair.

Senate resumed. President Pro Tempore Kolstad in the Chair.

Mr. President Pro Tempore: We, your Committee of the Whole, having had under consideration business on Second Reading, recommend as follows:

That House Bill No. 500 be amended. Motion failed by the following vote:

Ayes: Anderson, Berg, Blaylock, Boylan, S. Brown, Conover, Eck, Graham, Hafferman, Haffey, Halligan, Healy, Jacobson, Lee, Manning, Mazurek, Norman, Regan, Ryan, Stimatz, Towe.
Total 21

Noes: Aklestad, B. Brown, Crippen, Dover, Elliott, Etchart, Galt, Goodover, Hager, Hammond, Hazelbaker, Himsl, Johnson, Keating, Kolstad, Manley, McCallum, Nelson, Ochsner, O'Hara, Olson, Severson, Smith, Stephens, Story, Thomas, Tveit, Van Valkenburg, Mr. President.
Total 29

Excused: None.
Total 0

Absent or not voting: None.
Total 0

That House Bill No. 500 be amended as follows:

1. Page 22.
Following: line 10
Insert: "10. Securities Lending Program - Board of Investments
-0- 30,033 -0- 28,443

11. Disability Benefit Review - Public Employees' Retirement System
-0- 5,625 -0- 3,750

12. Unified Firefighters - Public Employees' Retirement System
-0- 25,770 -0- 25,270"

Amend totals accordingly.

Amendments passed by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham,

Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

That House Bill No. 500 be amended. Motion failed by the following vote:

Ayes: Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Haffey, Hager, Halligan, Healy, Jacobson, Johnson, Manning, Mazurek, Norman, Ochsner, Olson, Regan, Story, Towe, Van Valkenburg.
Total 24

Noes: Aklestad, Anderson, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Hammond, Hazelbaker, Himsl, Keating, Kolstad, Lee, Manley, McCallum, Nelson, O'Hara, Ryan, Severson, Smith, Stephens, Stimatz, Thomas, Tveit, Mr. President.
Total 26

Excused: None.
Total 0

Absent or not voting: None.
Total 0

That House Bill No. 500 be amended as follows:

1. Page 26, line 11.
Strike: "386,192 18,200"
Insert: "384,023 18,098"

2. Page 26, line 13.
Strike: "322,506"
Insert: "321,036"

3. Page 26, line 15.
Strike: "1,212,514"
Insert: "1,208,269"

4. Page 26, line 17.
Strike: "129,150 72,875"
Insert: "128,502 72,509"

5. Page 26, line 21.
Strike: "4,685,371 4,988,432"
Insert: "4,650,371 4,953,432"

6. Page 26.
Following: line 21
Insert: "8. Audit

-0-	35,000	4,287	39,713"

Amend totals accordingly.

Amendments passed by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

That House Bill No. 500 be amended. Motion failed by the following vote:

Ayes: Berg, Blaylock, Boylan, S. Brown, Conover, Crippen, Eck, Haffey, Halligan, Healy, Jacobson, Johnson, Manning, Mazurek, Norman, Regan, Ryan, Stimatz, Towe, Van Valkenburg.
Total 20

Noes: Aklestad, Anderson, B. Brown, Dover, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Hager, Hammond, Hazelbaker, Himsl, Keating, Kolstad, Lee, Manley, McCallum, Nelson, Ochsner, O'Hara, Olson, Severson, Smith, Stephens, Story, Tveit, Mr. President.
Total 29

Excused: None.
Total 0

Absent or not voting: Thomas.
Total 1

That House Bill No. 500 be amended. Motion failed by the following vote:

Ayes: Berg, Blaylock, Boylan, S. Brown, Conover, Crippen, Eck, Haffey, Hager, Halligan, Healy, Jacobson, Johnson, Manning, Mazurek, Norman, Regan, Ryan, Stimatz, Thomas, Towe, Van Valkenburg.
Total 22

Noes: Aklestad, Anderson, B. Brown, Dover, Elliott, Etchart, Galt, Goodover, Hammond, Hazelbaker, Himsl, Keating, Kolstad, Lee, Manley, McCallum, Nelson, Ochsner, O'Hara, Olson, Severson, Smith, Stephens, Story, Tveit, Mr. President.
Total 26

Excused: None.
Total 0

Absent or not voting: Graham, Hafferman.
Total 2

That House Bill No. 500 be amended. Motion failed by the following vote:

Ayes: Anderson, Berg, Blaylock, S. Brown, Conover, Crippen, Eck, Graham, Hafferman, Haffey, Halligan, Healy, Jacobson, Manning, Mazurek, Norman, Regan, Ryan, Stimatz, Towe, Van Valkenburg.
Total 21

Noes: Aklestad, Boylan, B. Brown, Dover, Elliott, Etchart, Galt, Goodover, Hager, Hammond, Hazelbaker, Himsl, Johnson, Keating, Kolstad, Lee, Manley, McCallum, Nelson, Ochsner, O'Hara, Olson, Severson, Smith, Stephens, Story, Thomas, Tveit, Mr. President.
Total 29

Excused: None.
Total 0

Absent or not voting: None.
Total 0

That House Bill No. 500 be amended. Motion failed by the following vote:

Ayes: Berg, Blaylock, Boylan, Conover, Eck, Galt, Graham, Hafferman, Haffey, Halligan, Hammond, Healy, Jacobson, Manning, Mazurek, Norman, Regan, Ryan, Stimatz, Story, Thomas, Towe, Van Valkenburg.
Total 23

Noes: Aklestad, Anderson, B. Brown, S. Brown, Crippen, Dover, Elliott, Etchart, Goodover, Hager, Hazelbaker, Himsl, Johnson, Keating, Kolstad, Manley, McCallum, Nelson, Ochsner, O'Hara, Olson, Severson, Smith, Stephens, Tveit, Mr. President.
Total 26

Excused: None.
Total 0

Absent or not voting: Lee.
Total 1

That House Bill No. 500 be amended. Motion failed by the following vote:

Ayes: Berg, Blaylock, Boylan, S. Brown, Conover, Eck, Graham, Hafferman, Haffey, Halligan, Hammond, Healy, Jacobson, Manning, Mazurek, Norman, Regan, Ryan, Smith, Stimatz, Thomas, Towe, Van Valkenburg.
Total 23

Noes: Aklestad, Anderson, B. Brown, Crippen, Dover, Elliott, Etchart, Galt, Goodover, Hager, Hazelbaker, Himsl, Johnson, Keating, Kolstad, Lee, Manley, McCallum, Nelson, Ochsner, O'Hara, Olson, Severson, Stephens, Story, Tveit, Mr. President.
Total 27

Excused: None.
Total 0

Absent or not voting: None.
Total 0

That House Bill No. 500 be amended. Motion failed by the following vote:

Ayes: Berg, Blaylock, Boylan, S. Brown, Conover, Eck, Graham, Haffey, Halligan, Healy, Jacobson, Manning, Norman, Regan, Ryan, Stimatz, Towe, Van Valkenburg.

Total 18

Noes: Aklestad, Anderson, B. Brown, Crippen, Dover, Elliott, Etchart, Galt, Goodover, Hager, Hammond, Hazelbaker, Himsl, Johnson, Keating, Kolstad, Lee, Manley, Mazurek, McCallum, Nelson, Ochsner, O'Hara, Olson, Severson, Smith, Stephens, Story, Thomas, Tveit, Mr. President.
Total 31

Excused: None.
Total 0

Absent or not voting: Hafferman.
Total 1

That House Bill No. 500 be amended. Motion failed by the following vote:

Ayes: Berg, Blaylock, Boylan, S. Brown, Conover, Eck, Graham, Hafferman, Haffey, Halligan, Healy, Jacobson, Manning, Mazurek, Norman, Regan, Ryan, Stephens, Stimatz, Towe, Van Valkenburg.
Total 21

Noes: Aklestad, Anderson, B. Brown, Crippen, Dover, Elliott, Etchart, Galt, Goodover, Hager, Hammond, Hazelbaker, Himsl, Johnson, Keating, Kolstad, Lee, Manley, McCallum, Nelson, Ochsner, O'Hara, Olson, Severson, Smith, Story, Thomas, Tveit, Mr. President.
Total 29

Excused: None.
Total 0

Absent or not voting: None.
Total 0

That House Bill No. 500 be amended. Motion failed by the following vote:

Ayes: Berg, Blaylock, Conover, Eck, Haffey, Halligan, Healy, Jacobson, Kolstad, Manning, Mazurek, Norman, Olson, Regan, Ryan, Stephens, Stimatz, Towe, Van Valkenburg.
Total 19

Noes: Aklestad, Anderson, Boylan, B. Brown, S. Brown, Crippen, Dover, Elliott, Galt, Goodover, Graham, Hafferman, Hager, Hammond, Hazelbaker, Himsl, Johnson, Keating, Lee, Manley, McCallum, Nelson, Ochsner, O'Hara, Severson, Smith, Story, Thomas, Tveit, Mr. President.
Total 30

Excused: None.
Total 0

Absent or not voting: Etchart.
Total 1

That the Committee rise. (Kolstad, Chairman)

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Kolstad in the Chair.

Senate resumed. President Pro Tempore Kolstad in the Chair.

Mr. President Pro Tempore: We, your Committee of the Whole, having had under consideration business on Second Reading, recommend as follows:

That House Bill No. 500 be amended as follows:

1. Page 40.
Following: line 19
Insert: "None of the funds appropriated to the department may be used for the purchase or study of the purchase of any type of abandoned right-of-way."

Amendment passed by the following vote:

Ayes: Aklestad, Anderson, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Hager, Hammond, Hazelbaker, Himsl, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Severson, Smith, Stephens, Story, Thomas, Tveit, Mr. President.
Total 39

Noes: Berg, Eck, Haffey, Halligan, Healy, Jacobson, Regan, Stimatz, Van Valkenburg.
Total 9

Excused: Towe.
Total 1

Absent or not voting: Ryan.
Total 1

That House Bill No. 500 be amended as follows:

1. Page 47.
Following: line 25
Insert: "Funds authorized in item no. 3 may not be used to establish a woman's unit at Mountain View school."

Amendment passed by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Galt, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Stephens, Tveit, Van Valkenburg, Mr. President.
Total 40

Noes: Boylan, Etchart, Goodover, Graham, Himsl, Smith, Stimatz, Story, Thomas.
Total 9

Excused: Towe.
Total 1

Absent or not voting: None.
Total 0

That House Bill No. 500 be amended. Motion failed by the following vote:

Ayes: Aklestad, Anderson, B. Brown, Dover, Elliott, Galt, Goodover, Hafferman, Hammond, Johnson, Kolstad, Manley, McCallum, Nelson, O'Hara, Olson, Ryan, Severson, Stephens, Tveit, Mr. President.
Total 21

Noes: Berg, Blaylock, Boylan, S. Brown, Conover, Crippen, Eck, Etchart, Graham, Haffey, Hager, Halligan, Hazelbaker, Healy, Himsl, Jacobson,

Keating, Lee, Manning, Mazurek, Norman, Ochsner, Regan, Smith, Stimatz, Story, Thomas, Van Valkenburg.
Total 28

Excused: Towe.
Total 1

Absent or not voting: None.
Total 0

That further consideration of House Bill No. 500 be passed. Unanimously passed.

That the Committee rise. (Kolstad, Chairman)

MOTIONS

Senator Stephens moved, duly carried, that the Senate recess at the hour of 11:53 a.m. until the hour of 1:30 p.m.

Senator Stephens moved, duly carried, that the Senate recess at the hour of 1:31 p.m. until the hour of 2:15 p.m.

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Kolstad in the Chair.

Senate resumed. President Pro Tempore Kolstad in the Chair.

Mr. President Pro Tempore: We, your Committee of the Whole, having had under consideration business on Second Reading, recommend as follows:

That House Bill No. 500 be amended. Motion failed by the following vote:

Ayes: Berg, Blaylock, S. Brown, Conover, Eck, Hafferman, Haffey, Halligan, Healy, Jacobson, Manning, Mazurek, Norman, Ochsner, Regan, Ryan, Stimatz, Van Valkenburg.
Total 18

Noes: Aklestad, Anderson, Boylan, B. Brown, Crippen, Dover, Elliott, Etchart, Galt, Goodover, Graham, Hager, Hammond, Hazelbaker, Himsl, Johnson, Keating, Kolstad, Lee, McCallum, Nelson, O'Hara, Olson, Severson, Smith, Stephens, Story, Thomas, Tveit, Mr. President.
Total 30

Excused: Towe.
Total 1

Absent or not voting: Manley.
Total 1

That House Bill No. 500 be amended. Motion failed by the following vote:

Ayes: Berg, Blaylock, Boylan, S. Brown, Eck, Graham, Hafferman, Haffey, Halligan, Healy, Jacobson, Manning, Mazurek, Norman, Ochsner, Regan, Ryan, Stimatz, Van Valkenburg.
Total 19

Noes: Aklestad, Anderson, B. Brown, Conover, Crippen, Dover, Elliott, Etchart, Galt, Goodover, Hager, Hammond, Hazelbaker, Himsl, Johnson, Keating, Kolstad, Lee, Manley, McCallum, Nelson, O'Hara, Olson, Severson, Smith, Stephens, Story, Thomas, Tveit, Mr. President.

Total 30

Excused: Towe.
Total 1

Absent or not voting: None.
Total 0

That House Bill No. 500 be amended. Motion failed by the following vote:

Ayes: Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Eck, Graham, Hafferman, Haffey, Halligan, Healy, Jacobson, Manning, Norman, Olson, Regan, Ryan, Stimatz, Thomas, Van Valkenburg.
Total 22

Noes: Aklestad, Anderson, Dover, Elliott, Etchart, Galt, Goodover, Hager, Hammond, Hazelbaker, Himsl, Johnson, Keating, Kolstad, Lee, Manley, Mazurek, McCallum, Nelson, Ochsner, O'Hara, Severson, Smith, Stephens, Tveit, Mr. President.
Total 26

Excused: Towe.
Total 1

Absent or not voting: Story.
Total 1

That House Bill No. 500 be amended. Motion failed by the following vote:

Ayes: Aklestad, Anderson, B. Brown, Dover, Elliott, Etchart, Galt, Goodover, Hafferman, Hammond, Himsl, Keating, Lee, Manley, Ochsner, O'Hara, Severson, Smith, Story, Tveit, Mr. President.
Total 21

Noes: Berg, Blaylock, Boylan, S. Brown, Conover, Crippen, Eck, Graham, Haffey, Hager, Halligan, Hazelbaker, Healy, Jacobson, Johnson, Kolstad, Manning, Mazurek, McCallum, Nelson, Norman, Olson, Regan, Ryan, Stephens, Stimatz, Thomas, Van Valkenburg.
Total 28

Excused: Towe.
Total 1

Absent or not voting: None.
Total 0

That House Bill No. 500 be amended. Motion failed by the following vote:

Ayes: Anderson, Berg, Blaylock, Boylan, S. Brown, Crippen, Eck, Graham, Haffey, Halligan, Healy, Jacobson, Johnson, Manning, Mazurek, Norman, Regan, Ryan, Stimatz, Van Valkenburg.
Total 20

Noes: Aklestad, B. Brown, Conover, Dover, Elliott, Etchart, Galt, Goodover, Hafferman, Hager, Hammond, Hazelbaker, Himsl, Keating, Kolstad, Lee, Manley, McCallum, Nelson, Ochsner, O'Hara, Olson, Severson, Smith, Stephens, Story, Thomas, Tveit, Mr. President.
Total 29

Excused: Towe.
Total 1

Absent or not voting: None.
Total 0

That House Bill No. 500 be amended. Motion failed by the following vote:

Ayes: Aklestad, Anderson, Elliott, Etchart, Galt, Hafferman, Hammond, Keating, Kolstad, Lee, Manley, Ochsner, O'Hara, Severson, Mr. President.
Total 15

Noes: Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Goodover, Graham, Haffey, Hager, Halligan, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Manning, Mazurek, McCallum, Nelson, Norman, Olson, Regan, Ryan, Smith, Stephens, Stimatz, Story, Thomas, Tveit, Van Valkenburg.
Total 34

Excused: Towe.
Total 1

Absent or not voting: None.
Total 0

That House Bill No. 500 be amended as follows:

1. Page 4, line 22.
Following: "agency."
Insert: "Any federal funds received by or allocated to the state of Montana prior to January 3, 1983, as a block grant as defined by an act of congress shall require a special session of the legislature for appropriation by the legislature prior to distribution of these funds among agencies and programs."

Amendment passed by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Towe.
Total 1

Absent or not voting: None.
Total 0

That House Bill No. 500 be amended as follows:

1. Page 47, line 8.
Strike: "4,291,398 4,755,818"
Insert: "3,963,494 4,358,850"

2. Page 47, line 18.
Strike: "$4,084,357"
Insert: "$3,756,453"

3. Page 47, line 19.

Strike: "$4,544,240"
Insert: "$4,147,272"

Amend totals accordingly.

Amendments passed by the following vote:

Ayes: Aklestad, Anderson, B. Brown, Dover, Elliott, Etchart, Galt, Goodover, Hammond, Hazelbaker, Johnson, Kolstad, Lee, Manley, McCallum, Nelson, Ochsner, O'Hara, Olson, Ryan, Severson, Stephens, Tveit, Mr. President.
Total 24

Noes: Berg, Blaylock, Boylan, S. Brown, Conover, Crippen, Eck, Haffey, Hager, Halligan, Healy, Himsl, Jacobson, Keating, Manning, Mazurek, Norman, Regan, Smith, Stimatz, Story, Thomas, Van Valkenburg.
Total 23

Excused: Towe.
Total 1

Absent or not voting: Graham, Hafferman.
Total 2

That House Bill No. 500, as amended, be concurred in by the following vote:

Ayes: Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Tveit, Van Valkenburg, Mr. President.
Total 43

Noes: Aklestad, Crippen, Hammond, Lee, Manley, Ryan.
Total 6

Excused: Towe.
Total 1

Absent or not voting: None.
Total 0

That all amendments and other action taken on House Bill No. 500, grey copy, be rereferenced to the copy, LC500-03, and that a reference printing be made with the attached amendments printed on green copy.

That the Committee rise and report and beg leave to sit again. (Kolstad, Chairman)

Upon motion of Senator Kolstad, duly carried, the foregoing Report of the Committee of the Whole was adopted.

At the request of the President, and without objection, the Senate reverted to Order of Business No. 5.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The House on 4/8/81, failed to concur in Senate Amendments to House Bill No. 17, and the Speaker was authorized to appoint a Joint Conference Committee, and the House respectfully requests the Senate to appoint a like committee to confer on Senate Amendments to House Bill No. 17.

The Speaker appointed the following members:

Representative Nordtvedt, Chairman
Representative Burnett
Representative Neuman

The House on 4/8/81, failed to concur in Senate Amendments to House Bill No. 26, and the Speaker was authorized to appoint a Joint Conference Committee, and the House respectfully requests the Senate to appoint a like committee to confer on Senate Amendments to House Bill No. 26.

The Speaker appointed the following members:

Representative Moore, Chairman
Representative Feda
Representative Conroy

The House on 4/8/81, failed to concur in Senate Amendments to House Bill No. 71, and the Speaker was authorized to appoint a Joint Conference Committee, and the House respectfully requests the Senate to appoint a like committee to confer on Senate Amendments to House Bill No. 71.

The Speaker appointed the following members:

Representative Donaldson, Chairman
Representative Lory
Representative Keedy

The House on 4/8/81, failed to concur in Senate Amendments to House Bill No. 135, and the Speaker was authorized to appoint a Joint Conference Committee, and the House respectfully requests the Senate to appoint a like committee to confer on Senate Amendments to House Bill No. 135.

The Speaker appointed the following members:

Representative Hanson, Chairman
Representative Mueller
Representative Kennerly

The House on 4/8/81, failed to concur in Senate Amendments to House Bill No. 161, and the Speaker was authorized to appoint a Joint Conference Committee, and the House respectfully requests the Senate to appoint a like committee to confer on Senate Amendments to House Bill No. 161.

The Speaker appointed the following members:

Representative Gould, Chairman
Representative Winslow
Representative Dussault

The House on 4/8/81, failed to concur in Senate Amendments to House Bill No. 209, and the Speaker was authorized to appoint a Free Conference Committee, and the House respectfully requests the Senate to appoint a like committee to confer on Senate Amendments to House Bill No. 209.

The Speaker appointed the following members:

Representative Anderson, Chairman
Representative Iverson
Representative Keedy

The House on 4/8/81, failed to concur in Senate Amendments to House Bill No. 212, and the Speaker was authorized to appoint a Joint Conference Committee, and the House respectfully requests the Senate to

appoint a like committee to confer on Senate Amendments to House Bill No. 212.

The Speaker appointed the following members:

Representative Hannah, Chairman
Representative Thoft
Representative Keedy

The House on 4/8/81, failed to concur in Senate Amendments to House Bill No. 213, and the Speaker was authorized to appoint a Joint Conference Committee, and the House respectfully requests the Senate to appoint a like committee to confer on Senate Amendments to House Bill No. 213.

The Speaker appointed the following members:

Representative Bennett, Chairman
Representative Fabrega
Representative Keedy

The House on 4/8/81, failed to concur in Senate Amendments to House Bill No. 270, and the Speaker was authorized to appoint a Joint Conference Committee, and the House respectfully requests the Senate to appoint a like committee to confer on Senate Amendments to House Bill No. 270.

The Speaker appointed the following members:

Representative Sales, Chairman
Representative Kropp
Representative Pistoria

The House on 4/8/81, failed to concur in Senate Amendments to House Bill No. 301, and the Speaker was authorized to appoint a Free Conference Committee, and the House respectfully requests the Senate to appoint a like committee to confer on Senate Amendments to House Bill No. 301.

The Speaker appointed the following members:

Representative Matsko, Chairman
Representative Keedy
Representative Gould

The House on 4/8/81, failed to concur in Senate Amendments to House Bill No. 336, and the Speaker was authorized to appoint a Joint Conference Committee, and the House respectfully requests the Senate to appoint a like committee to confer on Senate Amendments to House Bill No. 336.

The Speaker appointed the following members:

Representative Anderson, Chairman
Representative Bertelsen
Representative Kanduch

The House on 4/8/81, failed to concur in Senate Amendments to House Bill No. 390, and the Speaker was authorized to appoint a Joint Conference Committee, and the House respectfully requests the Senate to appoint a like committee to confer on Senate Amendments to House Bill No. 390.

The Speaker appointed the following members:

Representative Winslow, Chairman
Representative Ryan
Representative Holliday

The House on 4/8/81, failed to concur in Senate Amendments to House Bill No. 636, and the Speaker was authorized to appoint a Free Conference Committee, and the House respectfully requests the Senate to appoint a like committee to confer on Senate Amendments to House Bill No. 636.

The Speaker appointed the following members:

Representative Feda, Chairman
Representative Wallin
Representative Pavlovich

The House on 4/8/81, failed to concur in Senate Amendments to House Bill No. 642, and the Speaker was authorized to appoint a Joint Conference Committee, and the House respectfully requests the Senate to appoint a like committee to confer on Senate Amendments to House Bill No. 642.

The Speaker appointed the following members:

Representative Bennett, Chairman
Representative Iverson
Representative Brown

The House on 4/8/81, failed to concur in Senate Amendments to House Bill No. 761, and the Speaker was authorized to appoint a Free Conference Committee, and the House respectfully requests the Senate to appoint a like committee to confer on Senate Amendments to House Bill No. 761.

The Speaker appointed the following members:

Representative Fabrega, Chairman
Representative Meyer
Representative Vincent

The House on 4/8/81, failed to concur in Senate Amendments to House Bill No. 775, and the Speaker was authorized to appoint a Joint Conference Committee, and the House respectfully requests the Senate to appoint a like committee to confer on Senate Amendments to House Bill No. 775.

The Speaker appointed the following members:

Representative Nordtvedt, Chairman
Representative Harp
Representative Zabrocki

MOTIONS

Senator Stephens moved, duly carried, that the President be authorized to appoint a Conference Committee to confer on Senate Amendments to House Bill No. 17.

The President appointed the following committee:

Senator Elliott, Chairman
Senator Crippen
Senator S. Brown

Senator Stephens moved, duly carried, that the President be authorized to appoint a Conference Committee to confer on Senate Amendments to House Bill No. 26.

The President appointed the following committee:

Senator Kolstad, Chairman
Senator Johnson
Senator Hafferman

Senator Stephens moved, duly carried, that the President be authorized to appoint a Conference Committee to confer on Senate Amendments to House Bill No. 71.

The President appointed the following committee:

Senator Story, Chairman
Senator S. Brown
Senator Mazurek

Senator Stephens moved, duly carried, that the President be authorized to appoint a Conference Committee to confer on Senate Amendments to House Bill No. 135.

The President appointed the following committee:

Senator B. Brown, Chairman
Senator Hammond
Senator Regan

Senator Stephens moved, duly carried, that the President be authorized to appoint a Conference Committee to confer on Senate Amendments to House Bill No. 161.

The President appointed the following committee:

Senator Johnson, Chairman
Senator Kolstad
Senator Thomas

Senator Stephens moved, duly carried, that the President be authorized to appoint a Conference Committee to confer on Senate Amendments to House Bill No. 209.

The President appointed the following committee:

Senator Anderson, Chairman
Senator Olson
Senator Halligan

Senator Stephens moved, duly carried, that the President be authorized to appoint a Conference Committee to confer on Senate Amendments to House Bill No. 212.

The President appointed the following committee:

Senator B. Brown, Chairman
Senator Olson
Senator Van Valkenburg

Senator Stephens moved, duly carried, that the President be authorized to appoint a Conference Committee to confer on Senate Amendments to House Bill No. 213.

The President appointed the following committee:

Senator Anderson, Chairman
Senator Olson
Senator Mazurek

Senator Stephens moved, duly carried, that the President be authorized to appoint a Conference Committee to confer on Senate Amendments to House Bill No. 270.

The President appointed the following committee:

Senator Kolstad, Chairman
Senator Hammond
Senator Norman

Senator Stephens moved, duly carried, that the President be authorized to appoint a Free Conference Committee to confer on Senate Amendments to House Bill No. 301.

The President appointed the following committee:

Senator B. Brown, Chairman
Senator Tveit
Senator Berg

Senator Stephens moved, duly carried, that the President be authorized to appoint a Conference Committee to confer on Senate Amendments to House Bill No. 336.

The President appointed the following committee:

Senator Galt, Chairman
Senator Story
Senator S. Brown

Senator Stephens moved, duly carried, that the President be authorized to appoint a Conference Committee to confer on Senate Amendments to House Bill No. 390.

The President appointed the following committee:

Senator McCallum, Chairman
Senator Hammond
Senator Thomas

Senator Stephens moved, duly carried, that the President be authorized to appoint a Free Conference Committee to confer on Senate Amendments to House Bill No. 636.

The President appointed the following committee:

Senator Story, Chairman
Senator Keating
Senator S. Brown

Senator Stephens moved, duly carried, that the President be authorized to appoint a Conference Committee to confer on Senate Amendments to House Bill No. 642.

The President appointed the following committee:

Senator Elliott, Chairman
Senator B. Brown
Senator Jacobson

Senator Stephens moved, duly carried, that the President be authorized to appoint a Free Conference Committee to confer on Senate Amendments to House Bill No. 761.

The President appointed the following committee:

Senator Crippen, Chairman
Senator O'Hara
Senator Mazurek

Senator Stephens moved, duly carried, that the President be authorized to appoint a Conference Committee to confer on Senate Amendments to House Bill No. 775.

The President appointed the following committee:

Senator B. Brown, Chairman
Senator Crippen
Senator Eck

Senator Stephens moved, duly carried, that the President be authorized to appoint a Free Conference Committee to confer on Senate Bill No. 240.

The President appointed the following committee:

Senator Hazelbaker, Chairman
Senator Anderson
Senator Mazurek

Senator Stephens moved, duly carried, that the Senate recess at the hour of 4:12 p.m. until the hour of 4:25 p.m.

At the request of the President, and without objection, the Senate reverted to Order of Business No. 2.

REPORTS OF STANDING COMMITTEES

I have examined Senate Bill No. 64 introduced by me and find the same to be correct. (Elliott)

I have examined Senate Bill No. 9 introduced by me and find the same to be correct. (Norman)

I have examined Senate Bill No. 88 introduced by me and find the same to be correct. (Thomas)

I have examined Senate Bill No. 100 introduced by me and find the same to be correct. (Thomas)

I have examined Senate Bill No. 141 introduced by me and find the same to be correct. (Dover)

I have examined Senate Bill No. 162 introduced by me and find the same to be correct. (Mazurek)

I have examined Senate Bill No. 176 introduced by me and find the same to be correct. (Stimatz)

I have examined Senate Bill No. 212 introduced by me and find the same to be correct. (Hager)

I have examined Senate Bill No. 216 introduced by me and find the same to be correct. (S. Brown)

I have examined Senate Bill No. 231 introduced by me and find the same to be correct. (Elliott)

I have examined Senate Bill No. 292 introduced by me and find the same to be correct. (Hager)

I have examined Senate Bill No. 316 introduced by me and find the same to be correct. (Towe)

I have examined Senate Bill No. 390 introduced by me and find the same to be correct. (Himsl)

I have examined Senate Bill No. 391 introduced by me and find the same to be correct. (Himsl)

I have examined Senate Bill No. 398 introduced by me and find the same to be correct. (S. Brown)

I have examined Senate Bill No. 414 introduced by me and find the same to be correct. (Boylan)

I have examined Senate Bill No. 418 introduced by me and find the same to be correct. (Ochsner)

I have examined Senate Bill No. 426 introduced by me and find the same to be correct. (Himsl)

BILLS (O'Hara, Chairman):
Signed by the Speaker of the House and President of the Senate, 4/9/81, at the hour of 3:15 p.m., delivered to the Governor for his approval - SB 37, SB 74, SB 142, SB 239, SB 321, SB 363, SB 370, SB 428, SB 434, SB 481. Report adopted.

Correctly enrolled - SB 9, SB 64, SB 88, SB 100, SB 141, SB 162, SB 176, SB 212, SB 216, SB 231, SB 292, SB 316, SB 390, SB 391, SB 398, SB 414, SB 418, SB 426. Report adopted.

The Senate will please take note that the President did, at the hour of 4:00 p.m., 4/9/81, sign the following bills:
SB 9, SB 64, SB 88, SB 100, SB 141, SB 162, SB 176, SB 212, SB 216, SB 231, SB 292, SB 316, SB 390, SB 391, SB 398, SB 414, SB 418, SB 426, HB 92, HB 291, HB 367, HB 389, HB 484, HB 502, HB 550, HB 596, HB 607.

Jean A. Turnage
President

FINANCE AND CLAIMS (Himsl, Chairman):
HB 217, third reading copy, be amended as follows:

1. Page 1, line 16.
Following: "appropriated"
Insert: "from the general fund"

2. Page 1, line 25.
Following: "FOR"
Insert: "in-home care"

3. Page 2, line 1.
Following: "SERVICES"
Strike: "TO"
Insert: "for"

And, as so amended, be concurred in. Report adopted.

HB 800, be concurred in. Report adopted.

HB 801, third reading copy, be amended as follows:

1. Page 2, lines 16 and 17.
Strike: "PROPOSALS FOR EXPENDITURE OF THESE FUNDS"
Insert: "a report of expenditures"

2. Page 5, line 26.
Following: "45"
Insert: ", and HB 674"

And, as so amended, be concurred in. Report adopted.

HB 832, be concurred in. Report adopted.

STATE ADMINISTRATION (Story, Chairman):
HB 258, be concurred in. Report adopted.
HJR 58, be concurred in. Report adopted.

REPORTS OF SELECT COMMITTEES

FREE JOINT CONFERENCE COMMITTEE ON HOUSE BILL NO. 642
Report No. 1, April 9, 1981

MR. PRESIDENT AND SPEAKER OF THE HOUSE

We, your Free Joint Conference Committee on House Bill No. 642, met April 9, 1981, and considered:

Senate Committee on Natural Resources Amendment dated March 17, 1981, and recommend as follows:

Having had under consideration Senate Committee on Natural Resources Amendment dated March 17, 1981;

That the House accede to Amendment Number 1.

And, that House Bill No. 642, reference bill, be amended as follows:

1. Title, line 12.
Following: "FORAGE"
Insert: "GRASSES, HAY, AND SILAGE"

And, that House Bill No. 642, Statement of Intent, be amended as follows:

1. Page 1, line 14.
Following: "forage"
Insert: "grasses, hay, and silage"

And, that the Free Joint Conference Committee Report on House Bill No. 642 be adopted.

FOR THE SENATE:	FOR THE HOUSE:
Senator Elliott, Chairman	Representative Bennett, Chairman
Senator B. Brown	Representative Iverson
Senator Jacobson	Representative D. Brown

Report adopted.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

April 8, 1981

The Honorable Jean Turnage
President of the Senate

Re: House Bill No. 718

Please be advised that the following members have been appointed to a Select Committee upon the request of Senator Goodover in his letter of April 6, 1981, to Speaker Robert Marks. The House respectfully requests names of the like committee members appointed in the Senate.

The Speaker appointed the following members:

Representative Harp, Chairman
Representative Mueller
Representative Brown

Respectfully,

DON BYRD
Chief Clerk

The President noted that the Chairman of the Committee on Taxation may appoint a subcommittee to meet with the House Committee.

The following House Joint Resolution was on 4/8/81, passed and transmitted to the Senate for concurrence:

House Joint Resolution No. 34, introduced by Vincent (93-3)

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Kolstad in the Chair.

Senate resumed. President Turnage in the Chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on Second Reading, recommend as follows:

That Senate Joint Resolution No. 34 do pass by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Story, Thomas, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: Stimatz.
Total 1

Excused: Towe.
Total 1

Absent or not voting: None.
Total 0

That Senate Resolution No. 3 do pass by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Towe.
Total 1

Absent or not voting: None.
Total 0

That House Bill No. 560 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Towe.
Total 1

Absent or not voting: None.
Total 0

That House Bill No. 617 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Towe.
Total 1

Absent or not voting: None.
Total 0

That House Bill No. 837 be concurred in by the following vote:

Ayes: Aklestad, Berg, B. Brown, Conover, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hazelbaker, Healy, Himsl, Jacobson, Keating, Kolstad, Manley, McCallum, Norman, Ochsner, O'Hara, Stimatz, Thomas, Van Valkenburg, Mr. President.
Total 30

Noes: Boylan, Crippen, Hammond, Lee, Mazurek, Nelson, Olson, Regan, Ryan, Severson, Smith, Stephens, Tveit.
Total 13

Excused: Anderson, Towe.
Total 2

Absent or not voting: Blaylock, S. Brown, Johnson, Manning, Story.

Total 5

That House Bill No. 853 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Towe.
Total 1

Absent or not voting: None.
Total 0

That House Joint Resolution No. 54 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Towe.
Total 1

Absent or not voting: None.
Total 0

That House Amendments to Senate Bill No. 42 be concurred in. Motion failed by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, S. Brown, Conover, Eck, Galt, Graham, Haffey, Hager, Healy, Jacobson, Manning, Mazurek, Regan, Severson, Smith, Stimatz, Tveit, Van Valkenburg.
Total 21

Noes: Boylan, B. Brown, Crippen, Dover, Elliott, Etchart, Goodover, Hafferman, Halligan, Hammond, Hazelbaker, Himsl, Johnson, Keating, Kolstad, Lee, Manley, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Ryan, Stephens, Story, Thomas, Mr. President.
Total 28

Excused: Towe.
Total 1

Absent or not voting: None.
Total 0

That House Amendments to Senate Bill No. 50 be not concurred in by the following vote:

Ayes: Anderson, Blaylock, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Tveit, Van Valkenburg.
Total 43

Noes: Aklestad, Berg, Boylan, Nelson.
Total 4

Excused: Towe.
Total 1

Absent or not voting: Galt, Mr. President.
Total 2

That House Amendments to Senate Bill No. 96 be concurred in by the following vote:

Ayes: Anderson, Berg, S. Brown, Conover, Crippen, Dover, Eck, Etchart, Hafferman, Haffey, Hager, Halligan, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Kolstad, Manning, Mazurek, McCallum, Norman, Ochsner, O'Hara, Regan, Ryan, Smith, Stephens, Stimatz, Tveit, Van Valkenburg.
Total 31

Noes: Aklestad, Boylan, Elliott, Goodover, Hammond, Keating, Lee, Manley, Olson, Severson, Story.
Total 11

Excused: Towe.
Total 1

Absent or not voting: Blaylock, B. Brown, Galt, Graham, Nelson, Thomas, Mr. President.
Total 7

That House Amendments to Senate Bill No. 107 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Towe.
Total 1

Absent or not voting: None.
Total 0

That House Amendments to Senate Bill No. 115 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl,

Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Towe.
Total 1

Absent or not voting: None.
Total 0

That House Amendments to Senate Bill No. 129 be not concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Towe.
Total 1

Absent or not voting: None.
Total 0

That the Committee rise and report. (Kolstad, Chairman)

Upon motion of Senator Kolstad, duly carried, the foregoing Report of the Committee of Whole was adopted.

At the request of the President, and without objection, the Senate reverted to Order of Business No. 4.

MESSAGES FROM THE GOVERNOR

April 8, 1981

The Honorable Jean Turnage
President of the Senate
State Capitol
Helena, Montana 59620

Dear Mr. President:

This is to inform you that I have signed the following measures this date:

Senate Bill Nos. 195, 228, 303, 462, 333, 241, 334, 448, 302, 268, 175.

Sincerely,

TED SCHWINDEN
Governor

April 8, 1981

The Honorable Jean A. Turnage
President of the Senate
State Capitol
Helena, Montana 59620

The Honorable Robert L. Marks
Speaker of the House
State Capitol
Helena, Montana 59620

Dear Senator Turnage and Representative Marks:

In accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby return Senate Bill No. 58, "AN ACT TO AMEND SECTION 20-5-403, MCA, OF THE SCHOOL IMMUNIZATION LAWS TO ELIMINATE THE EXEMPTION BASED ON FAILURE TO ACT; ALLOWING A GRACE PERIOD FOR TRANSFER STUDENTS; AND PROVIDING AN EFFECTIVE DATE," without my signature and recommend the attached amendments for the following reasons.

The amendments I am proposing to SB 58 are for clarification only and in no way alter the intent of the bill.

Language in Section 1(1)(D) of the bill leaves the impression that subsection (2) in some manner describes pupil transfers. Subsection (2) does not describe transfers but rather, unsuccessfully attempts to provide a grace period for transfer pupils in which they can comply with immunization requirements. The proposed amendment clarifies this intention.

Further, language in subsection (2) raises the question whether the 30-day grace period begins to run with the commencement of attendance at the first school attended by a transfer student or at the school to which the student transfers. The proposed amendment makes it clear that the 30-day grace period begins to run after the commencement of attendance at the school to which the student transfers.

I urge your concurrence in these amendments.

Sincerely,

TED SCHWINDEN
Governor

PROPOSED GOVERNOR'S AMENDMENTS TO SENATE BILL NO. 58

1. Page 2, line 1.
Following: "DISTRICT"
Strike: "AS PROVIDED IN"
Insert: "in which case the provisions of"
Following: "SUBSECTION (2)"
Insert: "apply"

2. Page 2, line 8.
Following: "AT"
Insert: "the"
Following: "SCHOOL"
Insert: "to which he or she transfers"

April 8, 1981

The Honorable Jean A. Turnage
President of the Senate
State Capitol
Helena, Montana 59620

The Honorable Robert L. Marks
Speaker of the House
State Capitol
Helena, Montana 59620

Dear Senator Turnage and Representative Marks:

In accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby return Senate Bill No. 461, "AN ACT TO REMOVE THE RESTRICTIONS ON ALL-BEVERAGES LIQUOR LICENSES TRANSFERRED FROM ONE QUOTA AREA TO ANOTHER 5 YEARS AFTER THE TRANSFER AND TO ALLOW THE TRANSFERS OF ALL-BEVERAGES LICENSES TO QUOTA AREAS THAT ARE LESS THAN 133 PERCENT OVER QUOTA, AN INCREASE FROM 125 PERCENT; AMENDING SECTIONS 16-4-202, AND 16-4-204," without my signature and recommend the attached amendments for the following reasons.

The language of SB 461 on page 14, lines 11 through 14, creates a statutory bar against any mortgaging or pledging of resort all-alcoholic beverage licenses as security. Additionally, the language bars any transfer of the license except upon inheritance by death, similar to the current provisions affecting floater all-alcoholic beverage licenses.

The unamended statutory provisions allow the resort all-alcoholic beverage license to be mortgaged or pledged as security and allows the transfer of such licenses with the restriction that such licenses may not be transferred to locations outside the boundaries of the resort area. Currently, at least four resort all-alcoholic beverage licenses have been mortgaged or pledged as security with secured parties and their security interests recorded with the Department of Revenue, Liquor Division.

The amendments I am proposing maintain the existing statutory provisions for mortgaging and transferring resort all-alcoholic beverage licenses.

I urge your concurrence in these amendments.

Sincerely,

TED SCHWINDEN
Governor

PROPOSED GOVERNOR'S AMENDMENTS TO SB 461

1. Page 14, lines 11 through 14.
Following: "(11)"
Strike: "A resort license may not be mortgaged or pledged as security and may not be transferred to another person except for a transfer by inheritance upon the death of the licensee."

2. Page 14, line 14.
Following: "addition"
Insert: "to the restrictions on sale or transfer of a license as provided in 16-4-204"

The Honorable Jean A. Turnage
President of the Senate
State Capitol
Helena, Montana 59620

The Honorable Robert L. Marks
Speaker of the House
State Capitol
Helena, Montana 59620

Dear Senator Turnage and Representative Marks:

In accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby veto Senate Bill No. 273, "AN ACT TO ALLOW THE ADMINISTRATIVE CODE COMMITTEE TO TEMPORARILY SUSPEND AGENCY RULES; AMENDING SECTION 2-4-412, MCA," for the following reasons.

Senate Bill No. 273 as passed, raises a number of questions. Section 1 of the bill grants the Administrative Code Committee of the Legislature the power to temporarily suspend an agency rule. Under Judge v. Legislative Finance Committee, 168 Mont. 470, 543 P2d 1315 (1975) this legislative grant of power appears to constitute an unlawful delegation of legislative authority to a committee of the Legislature. The temporary nature of the suspension does not alter the fact that the grant of power at issue here lies with the entire Legislature.

In addition, the criteria set forth in Section 1, which serve as the basis upon which the committee may suspend an agency rule, are so overly broad and so vague, they provide the committee with a "carte blanche" ticket for interference with the executive branch's constitutional duty to responsibly execute and administer the laws of Montana. The guarantee of "Separation of Powers" provided in Article III, Section 1 of the Montana Constitution may be violated by the exercise of this legislative committee power.

Section 1 of the bill also provides that a suspension of a rule is effective until the committee certifies the results of a legislative poll, and that a poll be conducted within 2 weeks after the suspension. Section 2 of the bill provides for a "vote by mail ballot." Article V, Section 6 of the Montana Constitution, states in pertinent part, that the Legislature shall "meet" each odd-numbered year in regular "session" of not more than 90 legislative days and may be "convened" in special sessions by the Governor or at the written request of a majority of its members. Since the Constitution also requires that the seat of government be in Helena (Article III, Section 2) it appears that 'legislating by mail' is not constitutionally sanctioned. When the Legislature acts collectively to set public policy without being in session, without public participation, and without legislative deliberation, the legislative process is stripped of its essential elements and the citizens denied their fundamental rights. Fundamental democratic principles must not be summarily dismissed. If the Legislature is dissatisfied with agency rules, it should restrict the rulemaking authority it grants to the agencies.

Assurances of reasonable committee and legislative action under SB 273 do not diminish the seriousness of the constitutional questions raised. If the Legislature desires more control over the executive branch, let the record show that I urge and support annual sessions.

For these reasons, I hereby veto SB 273.

Sincerely,

TED SCHWINDEN
Governor

FIRST READING OF BILLS

The following House Joint Resolution was introduced, read first time and referred to committee:

HJR 34, introduced by Vincent, Neuman, Menahan, Eudaily, Anderson, Bengtson, Kemmis, Fagg. Referred to Committee on Education and Cultural Resources.

Upon motion of Senator Stephens, duly carried, the Senate adjourned at 5:36 p.m. until Friday, April 10, at the hour of 1:30 p.m.

JEAN A. TURNAGE
President of the Senate

JOHN W. LARSON
Secretary of the Senate

EIGHTIETH LEGISLATIVE DAY

Helena, Montana
April 10, 1981

Senate Chambers
Capitol Building

Senate convened at 1:30 p.m., President Turnage presiding. Invocation by the Chaplain. Pledge of Allegiance to the Flag.

Roll call. All members present except Towe, excused. Quorum present.

Mr. President: We, your Committee on Bills and Journal, having examined the daily journal for the Seventy-ninth Legislative Day, find the same to be correct.

O'HARA, Chairman

REPORTS OF STANDING COMMITTEES

RULES (Stephens, Chairman):
Respectfully reports as follows:

That the Joint Rules be amended to reinsert language which was inadvertently omitted during reprinting of the Rules of the Forty-seventh Montana Legislature as follows:

Page 46, Section H, Sub-section 6-34, Joint Rules
Insert: "Interim Study Resolutions and Joint Resolutions concerning Administrative Rules may be transmitted at any time during a session".

And, as so amended, do pass. Report adopted.

FINANCE AND CLAIMS (Himsl, Chairman):
HB 601, be concurred in. Report adopted.
HB 827, be concurred in. Report adopted.

HB 838, third reading copy, be amended as follows:

1. Page 2, line 8.
Following: "entity"
Insert: ", unless annual audits are requested by the governmental entity"

And, as so amended, be concurred in. Report adopted.

BILLS (O'Hara, Chairman):
Correctly engrossed - SJR 34. Report adopted.

MESSAGES FROM THE GOVERNOR

April 9, 1981

The Honorable Jean A. Turnage
President of the Senate
State Capitol
Helena, Montana 59620

The Honorable Robert L. Marks
Speaker of the House
State Capitol
Helena, Montana 59620

Dear Senator Turnage and Representative Marks:

In accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby return House Bill

No. 445, "AN ACT TO CREATE A PROCEDURE TO OBTAIN A VARIANCE FROM THE RULES ISSUED PURSUANT TO THE MONTANA SOLID WASTE MANAGEMENT ACT," without my signature and recommend the attached amendments for the following reasons.

House Bill No. 445 as passed uses the words "variance" and "exemption" interchangeably. The consistent use of either of these words will eliminate any confusion arising from the use of both. I am proposing an amendment which deletes "exemption" and replaces it with "variance".

Sections (2) and (3) of HB 445 are duplicative to the extent that they both require the variance hearing to be conducted pursuant to the Montana Administrative Procedures Act. I am proposing an amendment which deletes Section (3).

Finally, Section 4 of HB 445 prevents the Board from adopting "rules" less restrictive than the Resource Conservation and Recovery Act of 1976. It appears, however, that the intent of Section 4 was to prevent the Board from granting a "variance", rather than adopting "rules", less restrictive than the requirements of that Act. I am proposing an amendment which makes that intent clear.

I urge your concurrence in these amendments.

Sincerely,

TED SCHWINDEN
Governor

PROPOSED GOVERNOR'S AMENDMENTS TO HOUSE BILL NO. 445

1. Page 1, line 11.
Following: "an"
Strike: "exemption"
Insert: "variance"

2. Page 1, line 12.
Following: "an"
Strike: "exemption"
Insert: "variance"

3. Page 1, line 16.
Following: "which"
Strike: "exemption"
Insert: "a variance"

4. Page 1, line 20.
Following: "No"
Strike: "exemption"
Insert: "variance"

5. Page 2, lines 1 through 3.
Following: Page 1, line 25
Strike: "(3) The hearing before the board for a variance shall be held pursuant to the provisions of the Montana Administrative Procedures Act."

6. Page 2, line 7.
Following: "TO"
Strike: "ADOPT RULES"
Insert: "grant a variance"

April 9, 1981

The Honorable Jean Turnage
President of the Senate
State Capitol
Helena, Montana 59620

Dear Mr. President:

This is to inform you that I have signed the following measures this date:

Senate Bill Nos. 382, 311.

Sincerely,

TED SCHWINDEN
Governor

April 8, 1981

The Honorable Jean Turnage
President of the Senate
Montana State Senate
State Capitol
Helena, Montana 59620

Dear Senator Turnage:

I am respectfully requesting that the name of James G. Edmiston be withdrawn from consideration for membership on the State Banking Board. Mr. Edmiston has resigned his position on the Board.

Sincerely,

TED SCHWINDEN
Governor

April 8, 1981

The Honorable Jean Turnage
President of the Senate
Montana State Senate
State Capitol
Helena, Montana 59620

Dear Senator Turnage:

I respectfully submit to the Montana Senate the following appointment:

As a member of the STATE BANKING BOARD, in accordance with Section 2-15-1803, MCA:

D. E. Olsson, Sr., Ronan, appointed for a term ending July 1, 1981.

Sincerely,

TED SCHWINDEN
Governor

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following Governor's Amendments to the following Senate Bill were on 4/10/81, concurred in on Third Reading by the House:

Governor's Amendments to Senate Bill No. 41, introduced by Hafferman (93-0)

The following Senate Bill was on 4/10/81, concurred in as amended, and returned to the Senate for concurrence in House Amendments:

Senate Bill No. 150, introduced by Kolstad (63-30)

The following Free Conference Committee Report was on 4/10/81, adopted on Third Reading:

Free Conference Committee Report to Senate Bill No. 341

The following Senate Amendments to House Joint Resolutions were on 4/10/81, concurred in:

Senate Amendments to House Joint Resolution No. 25, introduced by Harper (91-2)

Senate Amendments to House Joint Resolution No. 23, introduced by Donaldson (90-1)

Senate Amendments to House Joint Resolution No. 42, introduced by D. Brown (91-2)

The following Senate Amendments to House Bills were on 4/10/81, concurred in:

Senate Amendments to House Bill No. 18, introduced by Nordtvedt (88-2)

Senate Amendments to House Bill No. 13, introduced by Fabrega (93-0)

Senate Amendments to House Bill No. 223, introduced by Schultz (91-3)

Senate Amendments to House Bill No. 683, introduced by Fabrega (91-0)

Senate Amendments to House Bill No. 701, introduced by Winslow (92-1)

Senate Amendments to House Bill No. 703, introduced by Dussault (87-3)

Senate Amendments to House Bill No. 724, introduced by Neuman (87-2)

Senate Amendments to House Bill No. 731, introduced by Daily (85-0)

Senate Amendments to House Bill No. 765, introduced by Donaldson (86-8)

Senate Amendments to House Bill No. 790, introduced by Daily (91-0)

Senate Amendments to House Bill No. 806, introduced by Manuel (82-2)

Senate Amendments to House Bill No. 794, introduced by Ellerd (52-41)

Senate Amendments to House Bill No. 655, introduced by Anderson (91-0)

The following Governor's Amendments to House Bills were on 4/10/81, concurred in on Third Reading, and the said bills transmitted to the Senate for consideration:

Governor's Amendments to House Bill No. 632, introduced by Sivertsen (85-7)

Governor's Amendments to House Bill No. 593, introduced by Gould (93-0)

Governor's Amendments to House Bill No. 547, introduced by C. Smith (89-2)

Governor's Amendments to House Bill No. 286, introduced by Fabrega (89-3)

Governor's Amendments to House Bill No. 197, introduced by Donaldson (92-0)

Governor's Amendments to House Bill No. 69, introduced by Donaldson (91-2)

The following Senate Joint Resolutions were on 4/10/81, concurred in as amended, and returned to the Senate for concurrence in House Amendments:

Senate Joint Resolution No. 2, introduced by Van Valkenburg (91-3)

Senate Joint Resolution No. 8, introduced by Keating (71-23)

The House on 4/9/81, failed to concur in Senate Amendments to House Bill No. 646, and the Speaker was authorized to appoint a Free Conference Committee, and the House respectfully requests the Senate to appoint a like committee to confer on Senate Amendments to House Bill No. 646.

The Speaker appointed the following members:

Representative O'Hara, Chairman
Representative Gould
Representative Dussault

The House on 4/9/81, failed to concur in Senate Amendments to House Bill No. 652, and the Speaker was authorized to appoint a Free Conference Committee, and the House respectfully requests the Senate to appoint a like committee to confer on Senate Amendments to House Bill No. 652.

The Speaker appointed the following members:

Representative Iverson, Chairman
Representative Keyser
Representative Conroy

The House on 4/9/81, failed to concur in Senate Amendments to House Bill No. 713, and the Speaker was authorized to appoint a Free Conference Committee, and the House respectfully requests the Senate to appoint a like committee to confer on Senate Amendments to House Bill No. 713.

The Speaker appointed the following members:

Representative Fabrega, Chairman
Representative Keyser
Representative Keedy

The following Senate Amendments to House Joint Resolutions were on 4/9/81, concurred in:

Senate Amendments to House Joint Resolution No. 17, introduced by Ellerd (94-0)

Senate Amendments to House Joint Resolution No. 29, introduced by Thoft (93-1)

Senate Amendments to House Joint Resolution No. 48, introduced by O'Hara (94-2)

The following Senate Amendments to House Bills were on 4/9/81, concurred in:

Senate Amendments to House Bill No. 237, introduced by McBride (80-12)

Senate Amendments to House Bill No. 524, introduced by Hurwitz (94-0)

Senate Amendments to House Bill No. 546, introduced by Pistoria (83-9)

Senate Amendments to House Bill No. 321, introduced by Fabrega (94-0)

Senate Amendments to House Bill No. 360, introduced by Metcalf (88-6)

Senate Amendments to House Bill No. 621, introduced by Meyer (93-0)

Senate Amendments to House Bill No. 702, introduced by Winslow (92-1)

Senate Amendments to House Bill No. 725, introduced by Underdal (94-0)

Senate Amendments to House Bill No. 740, introduced by Switzer (93-1)

Senate Amendments to House Bill No. 819, introduced by Bengtson (91-1)

Senate Amendments to House Bill No. 626, introduced by Keedy (79-14)

Senate Amendments to House Bill No. 304, introduced by Moore (93-1)

Senate Amendments to House Bill No. 424, introduced by D. Brown (94-0)

Senate Amendments to House Bill No. 467, introduced by Sivertsen (93-0)

Senate Amendments to House Bill No. 704, introduced by Dussault (91-4)

Senate Amendments to House Bill No. 712, introduced by Hurwitz (94-0)

Senate Amendments to House Bill No. 763, introduced by Pistoria (95-0)

Senate Amendments to House Bill No. 370, introduced by Underdal (94-0)

Senate Amendments to House Bill No. 533, introduced by Huennekens (96-0)

Senate Amendments to House Bill No. 684, introduced by Lory (95-0)

Senate Amendments to House Bill No. 80, introduced by Pistoria (93-0)

Senate Amendments to House Bill No. 300, introduced by Matsko (81-14)

Senate Amendments to House Bill No. 364, introduced by Vincent (81-15)

Senate Amendments to House Bill No. 385, introduced by Pistoria (94-0)

Senate Amendments to House Bill No. 398, introduced by Quilici (96-0)

Senate Amendments to House Bill No. 403, introduced by Keedy (96-1)

Senate Amendments to House Bill No. 463, introduced by Wallin (84-11)

Senate Amendments to House Bill No. 480, introduced by Matsko (95-0)

Senate Amendments to House Bill No. 488, introduced by Jacobsen (87-10)

Senate Amendments to House Bill No. 498, introduced by Oberg (95-1)

Senate Amendments to House Bill No. 538, introduced by Huennekens (96-1)

Senate Amendments to House Bill No. 562, introduced by Thoft (95-2)

Senate Amendments to House Bill No. 578, introduced by Vincent (97-0)

Senate Amendments to House Bill No. 587, introduced by Hanson (94-2)

Senate Amendments to House Bill No. 600, introduced by Curtiss (92-5)

Senate Amendments to House Bill No. 662, introduced by Burnett (89-7)

Senate Amendments to House Bill No. 698, introduced by Meyer (94-1)

Senate Amendments to House Bill No. 734, introduced by Winslow (97-0)

Senate Amendments to House Bill No. 773, introduced by Keedy (97-0)

Senate Amendments to House Bill No. 36, introduced by Brand (97-0)

Senate Amendments to House Bill No. 90, introduced by Quilici (96-1)

Senate Amendments to House Bill No. 102, introduced by Manuel (92-5)

Senate Amendments to House Bill No. 329, introduced by Kanduch (84-11)

Senate Amendments to House Bill No. 436, introduced by Bardanouve (94-0)

Senate Amendments to House Bill No. 566, introduced by Hemstad (93-3)

Senate Amendments to House Bill No. 735, introduced by Winslow (96-0)

Senate Amendments to House Bill No. 766, introduced by Ellison (88-8)

Senate Amendments to House Bill No. 48, introduced by Eudaily (93-0)

Senate Amendments to House Bill No. 58, introduced by Kessler (85-11)

Senate Amendments to House Bill No. 557, introduced by D. Brown (68-28)

Senate Amendments to House Bill No. 575, introduced by Kitselman (93-4)

Senate Amendments to House Bill No. 594, introduced by Kemmis (86-11)

Senate Amendments to House Bill No. 624, introduced by Williams (89-7)

Senate Amendments to House Bill No. 97, introduced by Feda (95-2)

Senate Amendments to House Bill No. 127, introduced by Feda (93-4)

Senate Amendments to House Bill No. 152, introduced by Donaldson (90-6)

Senate Amendments to House Bill No. 309, introduced by Hurwitz (96-1)

Senate Amendments to House Bill No. 330, introduced by Kanduch (85-10)

Senate Amendments to House Bill No. 372, introduced by Sales (96-0)

Senate Amendments to House Bill No. 448, introduced by Nordtvedt (85-12)

Senate Amendments to House Bill No. 479, introduced by Donaldson (93-3)

Senate Amendments to House Bill No. 507, introduced by Azzara (96-0)

Senate Amendments to House Bill No. 815, introduced by Kemmis (95-0)

The House on 4/9/81, failed to concur in Senate Amendments to House Bill No. 558, and the Speaker was authorized to appoint a Joint Conference Committee, and the House respectfully requests the Senate to appoint a like committee to confer on Senate Amendments to House Bill No. 558.

The Speaker appointed the following members:

Representative Matsko, Chairman
Representative Switzer
Representative Brown

The House on 4/9/81, failed to concur in Senate Amendments to House Bill No. 202, and the Speaker was authorized to appoint a Free Conference Committee, and the House respectfully requests the Senate to appoint a like committee to confer on Senate Amendments to House Bill No. 202.

The Speaker appointed the following members:

Representative Sivertsen, Chairman
Representative Gould

Representative Jacobsen

The House on 4/9/81, failed to concur in Senate Amendments to House Bill No. 692, and the Speaker was authorized to appoint a Joint Conference Committee, and the House respectfully requests the Senate to appoint a like committee to confer on Senate Amendments to House Bill No. 692.

The Speaker appointed the following members:

Representative Meyer, Chairman
Representative Bergene
Representative Pavlovich

The House on 4/9/81, failed to concur in Senate Amendments to House Bill No. 200, and the Speaker was authorized to appoint a Free Conference Committee, and the House respectfully requests the Senate to appoint a like committee to confer on Senate Amendments to House Bill No. 200.

The Speaker appointed the following members:

Representative Feda, Chairman
Representative Devlin
Representative Nilson

The House on 4/9/81, failed to concur in Senate Amendments to House Bill No. 33, and the Speaker was authorized to appoint a Joint Conference Committee, and the House respectfully requests the Senate to appoint a like committee to confer on Senate Amendments to House Bill No. 33.

The Speaker appointed the following members:

Representative Bertelsen, Chairman
Representative Harp
Representative Azzara

The following House Joint Resolution was on 4/9/81, passed and transmitted to the Senate for concurrence:

House Joint Resolution No. 49, introduced by Vincent (88-6)

The following House Bill was on 4/9/81, passed and transmitted to the Senate for concurrence:

House Bill No. 870, introduced by Nordtvedt (95-0)

The following House Joint Resolutions were on 4/10/81, passed and transmitted to the Senate for concurrence:

House Joint Resolution No. 64, introduced by Jacobsen (91-2)

House Joint Resolution No. 63, introduced by Moore (87-5)

House Joint Resolution No. 62, introduced by Williams (89-4)

House Joint Resolution No. 60, introduced by Azzara (79-14)

House Joint Resolution No. 59, introduced by Anderson (88-0)

House Joint Resolution No. 56, introduced by Harp (91-3)

House Joint Resolution No. 55, introduced by Marks (92-1)

House Joint Resolution No. 51, introduced by Bertelsen (85-8)

The following Senate Joint Resolution was on 4/10/81, concurred in and returned to the Senate:

Senate Joint Resolution No. 13, introduced by S. Brown (86-8)

The following Senate Bills were on 4/10/81, concurred in and returned to the Senate:

Senate Bill No. 244, introduced by Graham (92-1)

Senate Bill No. 484, introduced by Severson (84-6)

Senate Bill No. 466, introduced by Graham (92-1)

MOTIONS

Senator Norman moved, duly carried, that the House Amendments to Senate Bill No. 42 be taken from Second Reading.

Senator Norman moved, duly carried, that the House Amendments to Senate Bill No. 42 be not concurred in, and that a Joint Conference Committee be appointed.

Senator McCallum moved, duly carried, that the President be authorized to appoint a Conference Committee to confer on House Amendments to Senate Bill No. 42.

The President appointed the following committee:

Senator McCallum, Chairman
Senator Norman
Senator S. Brown

Senator Galt moved, duly carried, that the Joint Conference Committee on Senate Amendments to House Bill No. 336 be dissolved.

Senator Galt moved, duly carried, that the President be authorized to appoint a Free Conference Committee to confer on Senate Amendments to House Bill No. 336.

The President appointed the following committee:

Senator Galt, Chairman
Senator Story
Senator S. Brown

Senator Stephens moved, duly carried, that the President be authorized to appoint a Conference Committee to confer on House Amendments to Senate Bill No. 50.

The President appointed the following committee:

Senator McCallum, Chairman
Senator Ochsner
Senator Thomas

Senator Stephens moved, duly carried, that the President be authorized to appoint a Free Conference Committee to confer on House Amendments to Senate Bill No. 129.

Senator Stephens moved, duly carried, that the President be authorized to appoint a Conference Committee to confer on Senate Amendments to House Bill No. 33.

The President appointed the following committee:

Senator McCallum, Chairman

Senator Hammond
Senator Thomas

Senator Stephens moved, duly carried, that the President be authorized to appoint a Free Conference Committee to confer on Senate Amendments to House Bill No. 200.

Senator Stephens moved, duly carried, that the President be authorized to appoint a Free Conference Committee to confer on Senate Amendments to House Bill No. 202.

The President appointed the following committee:

Senator Lee, Chairman
Senator Hammond
Senator Mazurek

Senator Stephens moved, duly carried, that the President be authorized to appoint a Conference Committee to confer on Senate Amendments to House Bill No. 558.

Senator Stephens moved, duly carried, that the President be authorized to appoint a Conference Committee to confer on Senate Amendments to House Bill No. 692.

Senator Stephens moved, duly carried, that the President be authorized to appoint a Free Conference Committee to confer on Senate Amendments to House Bill No. 646.

Senator Stephens moved, duly carried, that the President be authorized to appoint a Free Conference Committee to confer on Senate Amendments to House Bill No. 652.

Senator Stephens moved, duly carried, to reconsider the action taken in adopting a Free Conference Committee Report on Senate Amendments to House Bill No. 642.

Senator Stephens moved that the Joint Rules of the Forty-seventh Legislative Session be temporarily suspended in order to place House Bill No. 500 on Third Reading this day. Motion carried by the following vote:

Ayes: Aklestad, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Tveit, Van Valkenburg, Mr. President.
Total 45

Noes: None.
Total 0

Excused: Towe.
Total 1

Absent or not voting: Anderson, Goodover, Graham, Manley.
Total 4

Senator Stephens moved that the Joint Rules of the Forty-seventh Legislative Session be temporarily suspended in order to place the House Amendments to Senate Bill No. 150 on Second Reading this day. Motion carried by the following vote:

Ayes: Aklestad, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman,

Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Towe.
Total 1

Absent or not voting: Anderson.
Total 1

Senator Stephens moved, duly carried, that the President be authorized to appoint a Free Conference Committee on House Bill No. 646.

The President appointed the following committee:

Senator Hager, Chairman
Senator Dover
Senator Berg

Senator Stephens moved, duly carried, that the Senate recess at the hour of 2:03 p.m. until the hour of 2:45 p.m.

THIRD READING OF BILLS

The following bill having been read three several times, title and history agreed to, was disposed of in the following manner:

House Bill No. 500 was concurred in by the following vote:

Ayes: Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 42

Noes: Aklestad, Crippen, Hammond, Lee, Manley, Ryan, Severson.
Total 7

Excused: None.
Total 0

Absent or not voting: Manning.
Total 1

(Including the following pair: Towe, aye - Lee, no.)

At the request of the President, and without objection, the Senate reverted to Order of Business No. 6.

MOTIONS

Senator Stephens moved, duly carried, that the Senate recess at the hour of 2:56 p.m., subject to the Call of the Chair.

At the request of the President, and without objection, the Senate reverted to Order of Business No. 3.

REPORTS OF SELECT COMMITTEES

JOINT CONFERENCE COMMITTEE
ON HOUSE AMENDMENTS TO SENATE BILL NO. 33
Report No. 1, April 9, 1981

MR. PRESIDENT AND SPEAKER OF THE HOUSE:

We, your Joint Conference Committee on Senate Bill No. 33, met April 9, 1981, and considered:

House Judiciary Committee Amendments to the Third Reading copy, dated March 26, 1981, and;

House Committee of the Whole Amendments to the Third Reading copy, dated March 30, 1981 and recommend as follows:

That the Senate accede to House Judiciary Committee Amendment Nos. 1 through 9;

That the House recede from Committee of the Whole Amendment No. 1;

That the reference copy of Senate Bill No. 33 read as specified in the CLERICAL INSTRUCTIONS;

And, that the Joint Conference Committee Report to Senate Bill No. 33 be adopted.

CLERICAL INSTRUCTIONS:

1. Page 50, lines 12 and 13.
Following: "~~return,~~"
Strike: "TOTAL INCOME FROM ALL SOURCES INCLUDING OTHERWISE TAX EXEMPT INCOME OF ALL TYPES"
Insert: "adjusted gross income, as reported on his or their latest federal income tax return,"

FOR THE SENATE:

Senator Goodover, Chairman
Senator Olson
Senator Mazurek

FOR THE HOUSE:

Representative Seifert, Chairman
Representative Bennett
Representative Keedy

Report adopted.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following Governor's Amendments to House Bill No. 201 were on 4/10/81, rejected on Committee of the Whole, and said bill was transmitted to the Senate for consideration:

Governor's Amendments to House Bill No. 201, introduced by Sivertsen

FIRST READING OF BILLS

The following House bill was introduced, read first time and referred to committee:

HB 870, introduced by Nordtvedt, Sivertsen, Burnett, Williams, Harrington, Brand, Underdal, Switzer, Bertelsen, Vinger, Roth, Devlin, Zabrocki, Dozier, Oberg, Hart, Asay, (By Request of the House Committee on Taxation). Referred to Committee on Taxation.

The following House Joint Resolutions were introduced, read first time and referred to committees:

HJR 49, introduced by Vincent, Eudaily, Keedy, Seifert. Referred to Committee on Education and Cultural Resources.

HJR 51, introduced by Bertelsen. Referred to Committee on State Administration.

HJR 55, introduced by Marks, Turnage, Fabrega, Metcalf, Menahan. Referred to Committee on Business and Industry.

HJR 56, introduced by Harp, Kropp, Marks, Zabrocki, Bennett, Mueller, Stobie, Huennekens, D. Brown, Vincent, Wallin, Anderson, Hemstad, Meyer, Brand, Quilici, Metcalf, Menahan, Bergene, Iverson, Keyser, Shontz, Manning, Winslow, (By Request of the House Highways and Transportation Committee). Referred to Committee on Highways and Transportation.

HJR 59, introduced by Anderson, B. Brown, Stephens, Harp, Andreason, Bergene, Elliott, Kolstad, Conn, Dussault, Kemmis, Kessler, Bennett, Roush, Fabrega, Fagg, Lund, Hemstad, Sivertsen, Iverson, Meyer, Hanson, Seifert, Mazurek, Matsko, Keedy, Donaldson, Ryan, Hammond, Galt, Etchart, Aklestad, J. Jacobson, Vincent, E. Smith, Nelson, Severson, Dover, Ellerd, Olson, Johnson, Van Valkenburg, Kitselman, Himsl, Hafferman, S. Brown, Haffey, Hager, Story, Mueller, Roth, Keyser, Wallin, C. Smith. Referred to Committee on State Administration.

HJR 60, introduced by Azzara, Kessler, Bertelsen, Switzer, Nilson, Andreason, Hannah, Waldron, Vinger, Matsko, Dozier, Keyser, Kitselman, Winslow, D. O'Hara, Cozzens, Fagg, Iverson, Metcalf, Hart, Kennerly, Huennekens, Menahan, Marks, Harper, Zabrocki, Shontz. Referred to Committee on Local Government.

HJR 62, introduced by Williams, Conroy, Iverson, Seifert, Marks. Referred to Committee on State Administration.

HJR 63, introduced by Moore, Feda, Phillips, Dussault, (By Request of the House Committee on State Administration). Referred to Committee on State Administration.

HJR 64, introduced by Jacobsen, Lund, Shontz, Holliday, McBride, Oberg, Ellison, Bengtson, Abrams, Marks, Kemmis, Quilici, D. Brown, Schultz, Roth, Thoft, McLane, Conroy, R. Manning, Neuman, Fagg, Menahan, Huennekens, Zabrocki, Vincent, O'Connell, Asay, Feda, Vinger, J. Ryan, Devlin, Bennett, Yardley, Kennerly, Iverson, Harrington, Pavlovich, Nilson, Harper, Dussault, Shelden, Teague, Metcalf, C. Smith, Underdal, Bertelsen, Anderson, Bergene, Ernst, Switzer, Wallin, Fabrega, Sales, Manuel. Referred to Committee on Judiciary.

At the request of the President, and without objection, the Senate reverted to Order of Business No. 4.

MESSAGES FROM THE GOVERNOR

April 10, 1981

The Honorable Jean A. Turnage
President of the Senate
State Capitol
Helena, Montana 59620

Dear Mr. President:

This is to inform you that I have signed the following measures this date:

Senate Bill Nos. 397, 98, 242, 138, 354, 387, 467, 84, 308, 246, 411.

Sincerely,

TED SCHWINDEN
Governor

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Johnson in the Chair.

Senate resumed. President Turnage in the Chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on Second Reading, recommend as follows:

That House Amendments to Senate Bill No. 150 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Towe.
Total 1

Absent or not voting: None.
Total 0

That House Amendments to Senate Bill No. 139 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Towe.
Total 1

Absent or not voting: None.
Total 0

That House Amendments to Senate Bill No. 221 pass consideration. Unanimously passed.

That House Amendments to Senate Bill No. 238 be not concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl,

Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Towe.
Total 1

Absent or not voting: None.
Total 0

That House Amendments to Senate Bill No. 257, without objection, be moved to the bottom of the board.

That House Amendments to Senate Bill No. 270 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Towe.
Total 1

Absent or not voting: None.
Total 0

That House Amendments to Senate Bill No. 272 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Towe.
Total 1

Absent or not voting: None.
Total 0

That House Amendments to Senate Bill No. 287 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham,

Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Towe.
Total 1

Absent or not voting: None.
Total 0

That House Amendments to Senate Bill No. 286 be not concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Towe.
Total 1

Absent or not voting: None.
Total 0

That House Amendments to Senate Bill No. 288 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Towe.
Total 1

Absent or not voting: None.
Total 0

That House Amendments to Senate Bill No. 298 be not concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl,

Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Towe.
Total 1

Absent or not voting: None.
Total 0

That House Amendments to Senate Bill No. 300 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Towe.
Total 1

Absent or not voting: None.
Total 0

That House Amendments to Senate Bill No. 305 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Towe.
Total 1

Absent or not voting: None.
Total 0

That House Amendments to Senate Bill No. 320 be not concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek,

McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Towe.
Total 1

Absent or not voting: None.
Total 0

That House Amendments to Senate Bill No. 325 be not concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Towe.
Total 1

Absent or not voting: None.
Total 0

That House Amendments to Senate Bill No. 335 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Towe.
Total 1

Absent or not voting: None.
Total 0

That House Amendments to Senate Bill No. 347 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum,

Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: S. Brown.
Total 1

Excused: Towe.
Total 1

Absent or not voting: None.
Total 0

That House Amendments to Senate Bill No. 352 be not concurred in by the following vote:

Ayes: Aklestad, B. Brown, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Hammond, Hazelbaker, Johnson, Lee, Manley, Mazurek, McCallum, Nelson, Ochsner, O'Hara, Olson, Severson, Stephens, Story, Thomas, Tveit, Mr. President.
Total 30

Noes: Anderson, Berg, Blaylock, Boylan, S. Brown, Conover, Halligan, Healy, Himsl, Jacobson, Keating, Kolstad, Manning, Norman, Regan, Stimatz, Van Valkenburg.
Total 17

Excused: Towe.
Total 1

Absent or not voting: Ryan, Smith.
Total 2

That House Amendments to Senate Bill No. 362 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Towe.
Total 1

Absent or not voting: None.
Total 0

That House Amendments to Senate Bill No. 376 be not concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Tveit, Van Valkenburg, Mr. President.

Total 48

Noes: Halligan.
Total 1

Excused: Towe.
Total 1

Absent or not voting: None.
Total 0

That House Amendments to Senate Bill No. 381 be concurred in by the following vote:

Ayes: Anderson, B. Brown, Dover, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Hager, Hammond, Hazelbaker, Healy, Himsl, Johnson, Keating, Kolstad, Lee, Manley, Manning, McCallum, Nelson, O'Hara, Olson, Ryan, Severson, Stephens, Stimatz, Story, Thomas, Mr. President.
Total 31

Noes: Berg, Blaylock, S. Brown, Conover, Crippen, Eck, Haffey, Halligan, Jacobson, Mazurek, Norman, Regan, Van Valkenburg.
Total 13

Excused: Towe.
Total 1

Absent or not voting: Aklestad, Boylan, Ochsner, Smith, Tveit.
Total 5

That House Amendments to Senate Bill No. 392 be concurred in. Motion failed by the following vote:

Ayes: Berg, Blaylock, Boylan, S. Brown, Dover, Eck, Galt, Graham, Hafferman, Hager, Halligan, Himsl, Johnson, Kolstad, Lee, Manley, Mazurek, Nelson, Ochsner, Regan, Ryan.
Total 21

Noes: Aklestad, Anderson, Conover, Crippen, Elliott, Etchart, Goodover, Haffey, Hammond, Hazelbaker, Healy, Jacobson, Keating, McCallum, Norman, O'Hara, Olson, Stephens, Stimatz, Story, Thomas, Tveit, Van Valkenburg, Mr. President.
Total 24

Excused: Towe.
Total 1

Absent or not voting: B. Brown, Manning, Severson, Smith.
Total 4

That House Amendments to Senate Bill No. 392 be not concurred in by the following vote:

Ayes: Aklestad, Anderson, Conover, Crippen, Elliott, Etchart, Goodover, Graham, Haffey, Hammond, Hazelbaker, Healy, Jacobson, Keating, Manley, Manning, Mazurek, McCallum, Norman, O'Hara, Olson, Stephens, Stimatz, Story, Thomas, Tveit, Van Valkenburg, Mr. President.
Total 28

Noes: Berg, Blaylock, Boylan, B. Brown, S. Brown, Dover, Eck, Galt, Hafferman, Hager, Halligan, Himsl, Johnson, Kolstad, Lee, Nelson, Ochsner, Regan, Ryan, Severson.
Total 20

Excused: Towe.
Total 1

Absent or not voting: Smith.
Total 1

That House Amendments to Senate Bill No. 399 be not concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Towe.
Total 1

Absent or not voting: None.
Total 0

That House Amendments to Senate Bill No. 422 pass consideration until Tuesday, April 14, 1981 by the following vote:

Ayes: Aklestad, Anderson, B. Brown, Crippen, Dover, Elliott, Etchart, Galt, Goodover, Hager, Hammond, Hazelbaker, Healy, Himsl, Johnson, Keating, Kolstad, Lee, Manley, Manning, McCallum, Nelson, Norman, Ochsner, Olson, Severson, Stephens, Story, Thomas, Tveit, Mr. President.
Total 31

Noes: Berg, Blaylock, Boylan, S. Brown, Conover, Eck, Graham, Hafferman, Haffey, Halligan, Jacobson, Mazurek, Regan, Ryan, Stimatz, Van Valkenburg.
Total 16

Excused: Towe.
Total 1

Absent or not voting: O'Hara, Smith.
Total 2

That House Amendments to Senate Bill No. 300 be segregrated from the Committee of the Whole Report. Unanimously passed.

That the Committee rise and report and beg leave to sit again. (Johnson, Chairman)

Upon motion of Senator Johnson, duly carried, the foregoing Report of the Committee of the Whole was adopted.

At the request of the President, and without objection, the Senate reverted to Order of Business No. 6.

MOTIONS

Senator Stephens moved that the Joint Rules of the Forty-seventh Legislative Session be temporarily suspended in order to place House Amendments to Senate Bill No. 150 on Third Reading this day. Motion carried by the following vote:

Ayes: Aklestad, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Kolstad, Lee, Manley, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Stephens, Stimatz, Story, Thomas, Mr. President.
Total 43

Noes: None.
Total 0

Excused: Towe.
Total 1

Absent or not voting: Anderson, Keating, Manning, Smith, Tveit, Van Valkenburg.
Total 6

Senator Stephens moved that the Joint Rules of the Forty-seventh Legislative Session be temporarily suspended in order to permit the Senate to receive House Bill No. 870. Motion carried by the following vote:

Ayes: Aklestad, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Kolstad, Lee, Manley, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Severson, Stephens, Stimatz, Story, Thomas, Tveit, Van Valkenburg, Mr. President.
Total 44

Noes: None.
Total 0

Excused: Towe.
Total 1

Absent or not voting: Anderson, Keating, Manning, Ryan, Smith.
Total 5

THIRD READING OF BILLS

The following bill having been read three several times, title and history agreed to, was disposed of in the following manner:

House Amendments to Senate Bill No. 150 were concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Stephens, Stimatz, Story, Thomas, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Towe.
Total 1

Absent or not voting: Smith.
Total 1

At the request of the President, and without objection, the Senate reverted to Order of Business No. 6.

MOTIONS

Senator Stephens moved, duly carried, that the Senate recess at the hour of 4:44 p.m. until the hour of 4:55 p.m.

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Johnson in the Chair.

Senate resumed. President Turnage in the Chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on Second Reading, recommend as follows:

That House Amendments to Senate Bill No. 442 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Towe.
Total 1

Absent or not voting: None.
Total 0

That House Amendments to Senate Bill No. 449 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Towe.
Total 1

Absent or not voting: None.
Total 0

That House Amendments to Senate Bill No. 452 be not concurred in by the following vote:

Ayes: Aklestad, Blaylock, Boylan, B. Brown, S. Brown, Eck, Elliott, Etchart, Goodover, Hafferman, Haffey, Halligan, Hazelbaker, Healy,

Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, McCallum, Nelson, Norman, Ochsner, Regan, Stephens, Stimatz, Story, Thomas, Tveit, Mr. President.
Total 32

Noes: Berg, Conover, Crippen, Dover, Galt, Graham, Hammond, Mazurek, O'Hara, Olson, Ryan.
Total 11

Excused: Towe.
Total 1

Absent or not voting: Anderson, Hager, Manning, Severson, Smith, Van Valkenburg.
Total 6

That House Amendments to Senate Bill No. 458 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: Goodover.
Total 1

Excused: Towe.
Total 1

Absent or not voting: None.
Total 0

That House Amendments to Senate Bill No. 463 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Towe.
Total 1

Absent or not voting: None.
Total 0

That House Amendments to Senate Bill No. 475 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek,

McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Towe.
Total 1

Absent or not voting: None.
Total 0

That House Amendments to Senate Bill No. 479 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Towe.
Total 1

Absent or not voting: None.
Total 0

That House Amendments to Senate Bill No. 480 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Towe.
Total 1

Absent or not voting: None.
Total 0

That House Amendments to Senate Bill No. 483 be not concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan,

Severson, Smith, Stephens, Stimatz, Story, Thomas, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Towe.
Total 1

Absent or not voting: None.
Total 0

That the Committee rise and report. (Johnson, Chairman)

Upon motion of Senator Johnson, duly carried, the foregoing Report of the Committee of the Whole was adopted.

At the request of the President, and without objection, the Senate reverted to Order of Business No. 2.

REPORTS OF STANDING COMMITTEES

BILLS (O'Hara, Chairman):
Signed by the Speaker of the House and President of the Senate, 4/10/81, at the hour of 3:15 p.m., delivered to the Governor for his approval - SB 9, SB 64, SB 88, SB 100, SB 141, SB 162, SB 176, SB 212, SB 216, SB 231, SB 292, SB 316, SB 390, SB 391, SB 398, SB 414, SB 418, SB 426. Report adopted.

I have examined Senate Joint Resolution No. 19 introduced by me and find the same to be correct. (Dover)

Correctly enrolled - SJR 19. Report adopted.

The Senate will please take note that the President did, at the hour of 3:00 p.m., 4/10/81, sign the following bills:
HB 7, HB 34, HB 38, HB 74, HB 88, HB 96, HB 110, HB 215, HB 265, HB 299, HB 379, HB 413, HB 481, HB 510, HB 545, HB 573, HJR 47, SJR 19.

Jean A. Turnage
President

Upon motion of Senator Stephens, duly carried, the Senate adjourned at 5:15 p.m. until Saturday, April 11, at the hour of 1:30 p.m.

JEAN A. TURNAGE
President of the Senate

JOHN W. LARSON
Secretary of the Senate

EIGHTY-FIRST LEGISLATIVE DAY

Helena, Montana
April 11, 1981

Senate Chambers
Capitol Building

Senate convened at 1:30 p.m., President Turnage presiding. Invocation by the Chaplain. Pledge of Allegiance to the Flag.

Roll call. All members present except Thomas, Towe, excused. Quorum present.

Mr. President: We, your Committee on Bills and Journal, having examined the daily journal for the Eightieth Legislative Day, find the same to be correct.

O'HARA, Chairman

REPORTS OF STANDING COMMITTEES

FINANCE AND CLAIMS (Himsl, Chairman):
HB 568, be concurred in. Report adopted.

TAXATION (Goodover, Chairman):
HB 42, third reading copy, be amended as follows:

1. Page 3, line 15.
Following: line 14
Strike: subsection (a) in its entirety
Renumber: subsequent subsections

And, as so amended, be concurred in. Report adopted.

HB 870, be concurred in. Report adopted.

STATE ADMINISTRATION (Story, Chairman):
HJR 20, be concurred in. Report adopted.
HJR 26, be concurred in. Report adopted.

REPORTS OF SELECT COMMITTEES

FREE CONFERENCE COMMITTEE
ON SENATE BILL NO. 243
Report No. 1, April 10, 1981

MR. PRESIDENT AND SPEAKER OF THE HOUSE:

We, your Free Conference Committee on Senate Bill No. 243, met April 10, 1981, and considered:

House Select Water Committee Amendments to the third reading copy, dated March 24, 1981, and;

House Committee of the Whole Amendments to the third reading copy, dated March 31, 1981, and recommend as follows:

That the Senate accede to Select Committee Amendment Nos. 1 through 19, dated March 24, 1981;

That the House recede from Select Committee Amendment No. 20;

That the House recede from Committee of the Whole Amendment Nos. 1 through 7;

That Senate Bill No. 243 be further amended as specified in CLERICAL INSTRUCTION NO. 8;

That the reference copy of Senate Bill No. 243 read as specified in the CLERICAL INSTRUCTIONS;

And, that the Free Conference Committee Report to Senate Bill No. 243 be adopted.

CLERICAL INSTRUCTIONS:

1. Title, lines 10 and 11.
Following: "MCA,"
Strike: "UPON CONSENT OF THE LEGISLATURE AND"

2. Page 1, lines 20 and 21.
Following: "~~The~~"
Strike: "UPON APPROVAL BY THE LEGISLATURE, THE"
Insert: "The"

3. Page 2, lines 1 through 3.
Following: "Dakota."
Strike: the remainder of Section 2

4. Page 5, line 16.
Following: line 15
Strike: "CONTINGENT UPON APPROVAL BY THE LEGISLATURE, THE"
Insert: "The"

5. Page 6, lines 23 and 24.
Following: "approve"
Strike: ", CONTINGENT UPON LEGISLATIVE APPROVAL,"

6. Page 7, lines 6 and 7.
Following: "approve"
Strike: ", CONTINGENT UPON LEGISLATIVE APPROVAL,"

7. Page 8, line 6.
Following: "20"
Strike: the remainder of Section 5

8. Page 8, line 12.
Following: "Board."
Insert: "The board's consent shall terminate 10 years after the date of issuance of the consent unless the board issues the certificate for the facility in accordance with Title 75, chapter 20 and approval of North Dakota and Wyoming is secured in accordance with Article X of the compact unless consent is extended by the board."

FOR THE SENATE:

Senator Dover, Chairman
Senator Graham
Senator Lee

FOR THE HOUSE:

Representative Roth, Chairman
Representative Conroy
Representative Thoft

Report adopted.

CONFERENCE COMMITTEE
ON HOUSE BILL NO. 270
Report No. 1, April 10, 1981

MR. PRESIDENT AND SPEAKER OF THE HOUSE:

We, your Conference Committee on House Bill No. 270, met April 10, 1981, and considered:

Senate Standing Committee on State Administration Amendment dated March 18, 1981, and recommend as follows:

That the Senate recede from Amendment No. 1, which reads as follows:

1. Title, line 6.
Following: "EXPENSES"
Insert: "OF"

And, that the Conference Committee Report on House Bill No. 270 be adopted.

FOR THE SENATE:

Senator Kolstad, Chairman
Senator Hammond
Senator Norman

FOR THE HOUSE:

Representative Sales, Chairman
Representative Kropp
Representative Pistoria

Report adopted.

FREE CONFERENCE COMMITTEE
ON HOUSE BILL NO. 336
Report No. 1, April 10, 1981

MR. PRESIDENT AND SPEAKER OF THE HOUSE:

We, your Free Conference Committee on House Bill No. 336, met April 10, 1981, and considered:

Senate State Administration Committee Amendments to the third reading copy, dated March 25, 1981, and recommend as follows:

That the House accede to Committee Amendment No. 1;

That the Senate recede from Committee Amendment Nos. 2 through 4;

That House Bill No. 336 be further amended as specified in the CLERICAL INSTRUCTIONS NOS. 1 and 2;

That the reference copy of House Bill No. 336 read as specified in the CLERICAL INSTRUCTIONS;

And, that the Free Conference Committee Report to House Bill No. 336 be adopted.

CLERICAL INSTRUCTIONS:

1. Page 2, line 15.
Following: "person"
Insert: "on election day"

2. Page 2, line 16.
Following: "~~solicitation~~"
Strike: the remainder of subsection (5)
Insert: "or engages in any solicitation of a voter within the room where votes are being cast or elsewhere in any manner which in any way interferes with the election process or obstructs the access of voters to or from the polling place"

FOR THE SENATE:

Senator Galt, Chairman
Senator S. Brown
Senator Story

FOR THE HOUSE:

Representative Anderson, Chairman
Representative Bertelsen
Representative Kanduch

Report adopted.

MESSAGES FROM THE GOVERNOR

April 11, 1981

The Honorable Jean A. Turnage
President of the Senate
State Capitol
Helena, Montana 59620

Dear Mr. President:

This is to inform you that I have signed the following measures this date:

Senate Bill Nos. 47, 363.

Sincerely,

TED SCHWINDEN
Governor

April 10, 1981

The Honorable Jean A. Turnage
President of the Senate
State Capitol
Helena, Montana 59620

The Honorable Robert L. Marks
Speaker of the House
State Capitol
Helena, Montana 59620

Dear Senator Turnage and Representative Marks:

In accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby return House Bill No. 179, "AN ACT TO AMEND SECTIONS 76-4-105 AND 76-4-128, MCA, TO INCREASE THE LOT FEES CHARGED FOR SERVICES RENDERED IN THE REVIEW OF SUBDIVISIONS; TO ALLOW MORE REIMBURSEMENT TO LOCAL GOVERNMENTS PERFORMING SUBDIVISION REVIEW FUNCTIONS," without my signature and recommend the attached amendment for the following reasons.

House Bill No. 179 as passed, authorizes the Department of Health and Environmental Sciences to adopt rules setting forth fees, not to exceed $30 per parcel, for services rendered in the review of plats and subdivisions. This $30 fee represents a $5 increase over the present $25 review fee.

House Bill No. 179 also requires the Department to transfer not less than $15 per parcel of the fee collected, to the local government that has agreed to assist the Department in its subdivision review. This minimum transfer of at least $15 to the local government represents a $5 increase over the present $10 reimbursement.

Therefore, under House Bill No. 179, the $5 increase in the fee collected by the Department goes to the local government. There is no question that local governments assisting the Department in its review of smaller subdivisions need this increased level of reimbursement. In order to maintain the existing six FTE's in the subdivision Bureau of the Department, however, an additional $5 increase in the per parcel review fee collected is necessary.

I am proposing an amendment which will increase the per parcel review fee collected from $30 to $35, and allowing this increase to remain with the Department. This increase will enable the Department to review subdivisions in a timely manner as required by law.

I urge your concurrence in this amendment.

Sincerely,

TED SCHWINDEN
Governor

PROPOSED GOVERNOR'S AMENDMENT TO HOUSE BILL NO. 179

1. Page 1, line 14.
Following: line 13
Strike: "$30"
Insert: "$35"

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The House on 4/10/81, on Third Reading, adopted the following Conference Committee Report:

Conference Committee Report to House Bill No. 9

The House on 4/11/81, dissolved the Free Conference Committee on House Bill No. 209, and the Speaker was authorized to appoint a new Free Conference Committee, and the House respectfully requests the Senate to appoint a like committee to confer on Senate Amendments to House Bill No. 209.

The Speaker appointed the following members:

Representative Keyser, Chairman
Representative Hannah
Representative Brown

The House on 4/11/81, authorized the Speaker to reappoint the Free Conference Committee to confer on Senate Amendments to House Bill No. 258.

The Speaker reappointed the following members:

Representative Winslow, Chairman
Representative Feda
Representative Dussault

The House on 4/11/81, acceded to the request of the Senate, dated April 9, and authorized the Speaker to appoint a Free Conference Committee to meet with a like committee of the Senate to confer on Senate Bill No. 240.

The Speaker appointed the following members:

Representative Keyser, Chairman
Representative Kitselman
Representative Keedy

The House on 4/10/81, failed to concur in Senate Amendments to House Bill No. 336, and dissolved the Joint Conference Committee, and the Speaker was authorized to appoint a Free Conference Committee, and requests the Senate to appoint a like committee to confer on Senate Amendments to House Bill No. 336.

The Speaker appointed the following members:

Representative Anderson, Chairman
Representative Bertelsen
Representative Kanduch

The House on 4/11/81, failed to concur in Senate Amendments to House Bill No. 488, and the Speaker was authorized to appoint a Free Conference Committee, and requests the Senate to appoint a like committee to confer on Senate Amendments to House Bill No. 488.

The Speaker appointed the following members:

Representative Schultz, Chairman
Representative Ernst
Representative Jacobsen

The House on 4/11/81, failed to concur in Senate Amendments to House Bill No. 642, and dissolved the Conference Committee, and the Speaker was authorized to appoint a Free Conference Committee and requests the Senate to appoint a like committee to confer on Senate Amendments to House Bill No. 642.

The Speaker appointed the following members:

Representative Bennett, Chairman
Representative Iverson
Representative Brown

The House on 4/10/81, authorized the Speaker to reappoint the Free Conference Committee to confer on Senate Amendments to House Bill No. 646.

The Speaker reappointed the following members:

Representative O'Hara, Chairman
Representative Andreason
Representative Dussault

The following Senate Bill was on 4/10/81, concurred in and returned to the Senate:

Senate Bill No. 460, introduced by Graham (87-0)

The following Senate Joint Resolutions were on 4/10/81, concurred in and returned to the Senate:

Senate Joint Resolution No. 24, introduced by J. Jacobson (90-0)

Senate Joint Resolution No. 28, introduced by Aklestad (89-3)

Senate Joint Resolution No. 30, introduced by Aklestad (88-3)

Senate Joint Resolution No. 33, introduced by Regan (78-12)

The following Senate Joint Resolutions were on 4/10/81, concurred in as amended, and returned to the Senate for concurrence in House Amendments:

Senate Joint Resolution No. 25, introduced by McCallum (90-2)

Senate Joint Resolution No. 27, introduced by Kolstad (89-5)

Senate Joint Resolution No. 29, introduced by Stimatz (90-3)

The following Senate Joint Resolution was on 4/10/81, not concurred in and returned to the Senate:

Senate Joint Resolution No. 14, introduced by S. Brown

The Senate Amendments to the following House Bills were on 4/10/81, concurred in:

Senate Amendments to House Bill No. 415, introduced by Sivertsen (94-0)

Senate Amendments to House Bill No. 654, introduced by Menahan (91-0)

The following House Joint Resolution was on 4/10/81, passed and transmitted to the Senate for concurrence:

House Joint Resolution No. 61, introduced by Waldron (86-8)

MOTIONS

Senator Lee moved that the Senate reconsider its action taken on rejecting the House Amendments to Senate Bill No. 392. Motion carried by the following vote:

Ayes: Berg, Blaylock, Boylan, B. Brown, S. Brown, Crippen, Eck, Galt, Goodover, Graham, Hafferman, Hager, Halligan, Himsl, Johnson, Kolstad, Lee, Manley, Manning, Mazurek, Nelson, Ochsner, O'Hara, Ryan, Severson, Smith, Story.
Total 27

Noes: Aklestad, Anderson, Conover, Elliott, Etchart, Haffey, Hammond, Hazelbaker, Healy, Jacobson, Keating, McCallum, Norman, Olson, Regan, Stephens, Stimatz, Tveit, Van Valkenburg, Mr. President.
Total 20

Excused: Thomas, Towe.
Total 2

Absent or not voting: Dover.
Total 1

Senator Stephens moved, duly carried, that the House Amendments to Senate Bill Nos. 139, 270, 272, 287, 288, 305, 335, 347, 362, 381, 442, 449, 458, 463, 475, 479, and 480 be placed on Third Reading this day.

FIRST READING OF BILLS

The following House Joint Resolution was introduced, read first time and referred to committee:

HJR 61, introduced by Waldron, Holliday, Hurwitz, Fabrega, Roush, Bertelsen, Devlin, Switzer, Iverson, Bardanouve, Roth, Kitselman, Dozier, Asay, Kemmis, Dussault, Shontz, Kessler, McBride. Referred to Committee on Local Government.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

Senate Joint Resolution No. 34 was passed by the following vote:

Ayes: Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Tveit, Van Valkenburg, Mr. President.
Total 45

Noes: Aklestad, Hammond.
Total 2

Excused: Thomas, Towe.
Total 2

Absent or not voting: Dover.
Total 1

House Bill No. 560 was concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Keating, Kolstad, Lee, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Severson, Stephens, Stimatz, Story, Tveit, Van Valkenburg, Mr. President.
Total 43

Noes: Johnson, Manley, Ryan, Smith.
Total 4

Excused: Thomas, Towe.
Total 2

Absent or not voting: Dover.
Total 1

House Bill No. 617 was concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Eck, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Tveit, Van Valkenburg, Mr. President.
Total 45

Noes: Elliott, Manley.
Total 2

Excused: Thomas, Towe.
Total 2

Absent or not voting: Dover.
Total 1

House Bill No. 837 was concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, B. Brown, S. Brown, Conover, Eck, Elliott, Etchart, Graham, Hafferman, Haffey, Hager, Halligan, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Manning, McCallum, Norman, Ochsner, O'Hara, Ryan, Stimatz, Story, Van Valkenburg.
Total 30

Noes: Boylan, Crippen, Galt, Goodover, Hammond, Kolstad, Lee, Manley, Mazurek, Nelson, Olson, Regan, Severson, Smith, Stephens, Tveit, Mr. President.
Total 17

Excused: Thomas, Towe.
Total 2

Absent or not voting: Dover.

Total 1

House Bill No. 853 was concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Tveit, Van Valkenburg, Mr. President.
Total 47

Noes: None.
Total 0

Excused: Thomas, Towe.
Total 2

Absent or not voting: Dover.
Total 1

House Joint Resolution No. 54 was concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Tveit, Van Valkenburg, Mr. President.
Total 47

Noes: None.
Total 0

Excused: Thomas, Towe.
Total 2

Absent or not voting: Dover.
Total 1

House Amendments to Senate Bill No. 96 were concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Eck, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Tveit, Van Valkenburg, Mr. President.
Total 46

Noes: None.
Total 0

Excused: Thomas, Towe.
Total 2

Absent or not voting: Dover, Elliott.
Total 2

House Amendments to Senate Bill No. 107 were concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Tveit, Van Valkenburg, Mr. President.
Total 47

Noes: None.
Total 0

Excused: Thomas, Towe.
Total 2

Absent or not voting: Dover.
Total 1

House Amendments to Senate Bill No. 115 were concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Tveit, Van Valkenburg, Mr. President.
Total 47

Noes: None.
Total 0

Excused: Thomas, Towe.
Total 2

Absent or not voting: Dover.
Total 1

House Amendments to Senate Bill No. 139 were concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Thomas, Towe.
Total 2

Absent or not voting: None.
Total 0

House Amendments to Senate Bill No. 270 were concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Tveit, Van Valkenburg, Mr. President.
Total 47

Noes: Hafferman.
Total 1

Excused: Thomas, Towe.
Total 2

Absent or not voting: None.
Total 0

House Amendments to Senate Bill No. 272 were concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Thomas, Towe.
Total 2

Absent or not voting: None.
Total 0

House Amendments to Senate Bill No. 287 were concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Ryan, Severson, Smith, Stephens, Stimatz, Story, Tveit, Van Valkenburg, Mr. President.
Total 46

Noes: Regan.
Total 1

Excused: Thomas, Towe.
Total 2

Absent or not voting: B. Brown.
Total 1

House Amendments to Senate Bill No. 288 were concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl,

Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Tveit, Van Valkenburg, Mr. President.
Total 47

Noes: None.
Total 0

Excused: Thomas, Towe.
Total 2

Absent or not voting: Elliott.
Total 1

House Amendments to Senate Bill No. 305 were concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Thomas, Towe.
Total 2

Absent or not voting: None.
Total 0

House Amendments to Senate Bill No. 335 were concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Tveit, Van Valkenburg.
Total 47

Noes: None.
Total 0

Excused: Thomas, Towe.
Total 2

Absent or not voting: Mr. President.
Total 1

House Amendments to Senate Bill No. 347 were concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum,

Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Severson, Smith, Stephens, Stimatz, Story, Tveit, Van Valkenburg, Mr. President.
Total 46

Noes: S. Brown, Ryan.
Total 2

Excused: Thomas, Towe.
Total 2

Absent or not voting: None.
Total 0

House Amendments to Senate Bill No. 362 were concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Tveit, Van Valkenburg, Mr. President.
Total 47

Noes: None.
Total 0

Excused: Thomas, Towe.
Total 2

Absent or not voting: Blaylock.
Total 1

House Amendments to Senate Bill No. 381 were concurred in by the following vote:

Ayes: Aklestad, Anderson, Blaylock, B. Brown, S. Brown, Conover, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Hager, Hammond, Hazelbaker, Healy, Himsl, Johnson, Keating, Kolstad, Lee, Manley, Manning, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Tveit.
Total 39

Noes: Berg, Crippen, Haffey, Halligan, Jacobson, Mazurek, Van Valkenburg.
Total 7

Excused: Thomas, Towe.
Total 2

Absent or not voting: Boylan, Mr. President.
Total 2

House Amendments to Senate Bill No. 442 were concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Severson, Smith, Stephens, Stimatz, Story, Tveit, Van Valkenburg, Mr. President.
Total 47

Noes: Ryan.
Total 1

Excused: Thomas, Towe.
Total 2

Absent or not voting: None.
Total 0

House Amendments to Senate Bill No. 449 were concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Eck, Elliott, Etchart, Galt, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Keating, Kolstad, Lee, Manley, Manning, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Tveit, Van Valkenburg, Mr. President.
Total 43

Noes: Dover, Goodover, Hafferman, Johnson, Mazurek.
Total 5

Excused: Thomas, Towe.
Total 2

Absent or not voting: None.
Total 0

House Amendments to Senate Bill No. 458 were concurred in by the following vote:

Ayes: Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Kolstad, Manning, Mazurek, McCallum, Norman, Ochsner, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Van Valkenburg, Mr. President.
Total 39

Noes: Aklestad, Galt, Goodover, Keating, Lee, Manley, Nelson, O'Hara, Tveit.
Total 9

Excused: Thomas, Towe.
Total 2

Absent or not voting: None.
Total 0

House Amendments to Senate Bill No. 463 were concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Tveit, Van Valkenburg, Mr. President.
Total 47

Noes: Boylan.
Total 1

Excused: Thomas, Towe.
Total 2

Absent or not voting: None.
Total 0

House Amendments to Senate Bill No. 475 were concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Thomas, Towe.
Total 2

Absent or not voting: None.
Total 0

House Amendments to Senate Bill No. 479 were concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Kolstad, Lee, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Tveit, Mr. President.
Total 43

Noes: Hafferman, Keating, Manley, Olson, Van Valkenburg.
Total 5

Excused: Thomas, Towe.
Total 2

Absent or not voting: None.
Total 0

House Amendments to Senate Bill No. 480 were concurred in by the following vote:

Ayes: Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Ryan, Severson, Smith, Stephens, Stimatz, Story, Tveit, Van Valkenburg.
Total 44

Noes: Aklestad, Himsl, Regan.
Total 3

Excused: Thomas, Towe.
Total 2

Absent or not voting: Mr. President.
Total 1

At the request of the President, and without objection, the Senate reverted to Order of Business No. 6.

MOTIONS

Senator Stephens moved, duly carried, that the Senate recess at the hour of 2:05 p.m. until the hour of 2:45 p.m.

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Graham in the Chair.

Senate resumed. President Turnage in the Chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on Second Reading, recommend as follows:

That House Amendments to Senate Bill No. 221 be concurred in. Motion failed by the following vote:

Ayes: Anderson, Berg, Blaylock, S. Brown, Conover, Crippen, Eck, Haffey, Halligan, Hazelbaker, Healy, Jacobson, Johnson, McCallum, Norman, Ochsner, Regan, Ryan, Severson, Stimatz, Van Valkenburg.
Total 21

Noes: Aklestad, Boylan, Elliott, Etchart, Galt, Goodover, Hafferman, Hager, Hammond, Himsl, Keating, Kolstad, Lee, Manley, Mazurek, Nelson, O'Hara, Olson, Smith, Stephens, Story, Tveit, Mr. President.
Total 23

Excused: Thomas, Towe.
Total 2

Absent or not voting: B. Brown, Dover, Graham, Manning.
Total 4

That House Amendments to Senate Bill No. 221 be not concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Thomas, Towe.
Total 2

Absent or not voting: None.
Total 0

That House Amendments to Senate Bill No. 257 be not concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham,

Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Thomas, Towe.
Total 2

Absent or not voting: None.
Total 0

That House Amendments to Senate Joint Resolution No. 21 be concurred in. Motion failed by the following vote:

Ayes: Hafferman, Haffey, Halligan, Healy, Jacobson, Manley, Norman, Ryan, Stimatz, Van Valkenburg.
Total 10

Noes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hager, Hammond, Hazelbaker, Himsl, Johnson, Keating, Kolstad, Lee, Mazurek, McCallum, Nelson, Ochsner, O'Hara, Olson, Regan, Severson, Smith, Stephens, Story, Tveit, Mr. President.
Total 37

Excused: Thomas, Towe.
Total 2

Absent or not voting: Manning.
Total 1

That House Amendments to Senate Joint Resolution No. 21 be not concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hager, Hammond, Hazelbaker, Himsl, Johnson, Keating, Kolstad, Lee, Manning, Mazurek, McCallum, Nelson, Ochsner, O'Hara, Olson, Regan, Severson, Smith, Stephens, Story, Tveit, Mr. President.
Total 38

Noes: Hafferman, Haffey, Halligan, Healy, Jacobson, Manley, Norman, Ryan, Stimatz, Van Valkenburg.
Total 10

Excused: Thomas, Towe.
Total 2

Absent or not voting: None.
Total 0

That the Governor's Amendments to Senate Bill No. 267 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan,

Severson, Smith, Stephens, Stimatz, Story, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Thomas, Towe.
Total 2

Absent or not voting: None.
Total 0

That House Bill No. 307 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Thomas, Towe.
Total 2

Absent or not voting: None.
Total 0

That House Bill No. 542 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Thomas, Towe.
Total 2

Absent or not voting: None.
Total 0

That House Bill No. 653 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Thomas, Towe.
Total 2

Absent or not voting: None.
Total 0

That House Bill No. 675 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Thomas, Towe.
Total 2

Absent or not voting: None.
Total 0

That House Bill No. 798 pass consideration. Unanimously passed.

That the Free Conference Committee Report on Senate Bill No. 341 be adopted by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Thomas, Towe.
Total 2

Absent or not voting: None.
Total 0

That House Amendments to Senate Bill No. 300 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Thomas, Towe.
Total 2

Absent or not voting: None.
Total 0

That House Bill No. 217 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Thomas, Towe.
Total 2

Absent or not voting: None.
Total 0

That House Bill No. 258 pass consideration. Unanimously passed.

That House Bill No. 800 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Thomas, Towe.
Total 2

Absent or not voting: None.
Total 0

That House Bill No. 801 be amended as follows:

1. Page 6, lines 2 and 3.
Insert: all stricken language

Amendment passed by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Tveit, Van Valkenburg, Mr. President.

Total 47

Noes: Elliott.
Total 1

Excused: Thomas, Towe.
Total 2

Absent or not voting: None.
Total 0

That House Bill No. 801, as amended, be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Eck, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hazelbaker, Healy, Himsl, Jacobson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Tveit, Van Valkenburg, Mr. President.
Total 44

Noes: Dover, Elliott, Hammond, Johnson.
Total 4

Excused: Thomas, Towe.
Total 2

Absent or not voting: None.
Total 0

That House Bill No. 832 be concurred in by the following vote:

Ayes: Anderson, Berg, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Etchart, Goodover, Graham, Hafferman, Haffey, Halligan, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Manning, Mazurek, Nelson, Norman, O'Hara, Regan, Severson, Smith, Stephens, Stimatz, Van Valkenburg.
Total 32

Noes: Aklestad, Boylan, Elliott, Galt, Hager, Hammond, Lee, Manley, McCallum, Ochsner, Olson, Ryan, Story, Tveit.
Total 14

Excused: Thomas, Towe.
Total 2

Absent or not voting: Blaylock, Mr. President.
Total 2

That House Joint Resolution No. 58 be amended as follows:

1. Page 2, line 10.
Following: "orderly"
Strike: "and profitable"

Amendment passed by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Tveit, Van Valkenburg, Mr. President.

Total 48

Noes: None.
Total 0

Excused: Thomas, Towe.
Total 2

Absent or not voting: None.
Total 0

That House Joint Resolution No. 58 be amended. Motion failed by the following vote:

Ayes: Berg, S. Brown, Eck, Graham, Haffey, Halligan, Healy, Himsl, Jacobson, Mazurek, Norman, Regan, Stimatz, Van Valkenburg.
Total 14

Noes: Aklestad, Anderson, Boylan, Conover, Elliott, Etchart, Galt, Goodover, Hafferman, Hager, Hammond, Hazelbaker, Johnson, Keating, Kolstad, Lee, Manley, Manning, McCallum, Ochsner, O'Hara, Olson, Ryan, Severson, Smith, Stephens, Story, Tveit, Mr. President.
Total 29

Excused: Thomas, Towe.
Total 2

Absent or not voting: Blaylock, B. Brown, Crippen, Dover, Nelson.
Total 5

That House Joint Resolution No. 58, as amended, be concurred in by the following vote:

Ayes: Aklestad, Anderson, Boylan, Conover, Dover, Elliott, Etchart, Galt, Goodover, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Johnson, Keating, Kolstad, Lee, Manley, McCallum, Norman, Ochsner, O'Hara, Olson, Ryan, Severson, Smith, Stephens, Story, Tveit.
Total 31

Noes: Berg, B. Brown, S. Brown, Eck, Graham, Healy, Himsl, Jacobson, Regan, Stimatz, Van Valkenburg.
Total 11

Excused: Thomas, Towe.
Total 2

Absent or not voting: Blaylock, Crippen, Manning, Mazurek, Nelson, Mr. President.
Total 6

That the Governor's Amendments to Senate Bill No. 58 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Thomas, Towe.
Total 2

Absent or not voting: None.
Total 0

That the Governor's Amendments to Senate Bill No. 461 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Thomas, Towe.
Total 2

Absent or not voting: None.
Total 0

That House Amendments to Senate Joint Resolution No. 2 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Thomas, Towe.
Total 2

Absent or not voting: None.
Total 0

That House Amendments to Senate Joint Resolution No. 8, without objection, be placed at the bottom of the board.

That the Governor's Amendments to House Bill No. 69 pass consideration. Unanimously passed.

That the Governor's Amendments to House Bill No. 197 pass consideration. Unanimously passed.

That the Governor's Amendments to House Bill No. 201 pass consideration. Unanimously passed.

That the Governor's Amendments to House Bill No. 286 pass consideration. Unanimously passed.

That the Committee rise and report. (Graham, Chairman)

Upon motion of Senator Graham, duly carried, the foregoing Report of the Committee of the Whole was adopted.

At the request of the President, and without objection, the Senate reverted to Order of Business No. 6.

MOTIONS

Senator Stephens moved, duly carried, that the President be authorized to appoint a Free Conference Committee to confer on Senate Amendments to House Bill No. 642.

The President appointed the following committee:

Senator Elliott, Chairman
Senator S. Brown
Senator Jacobson

Senator Stephens moved, duly carried, that the President be authorized to appoint a Conference Committee to confer on House Amendments to Senate Bill No. 238.

The President appointed the following committee:

Senator Story, Chairman
Senator Mazurek
Senator Towe

Senator Stephens moved, duly carried, that the President be authorized to appoint a Conference Committee to confer on House Amendments to Senate Bill No. 286.

The President appointed the following committee:

Senator Anderson, Chairman
Senator O'Hara
Senator Van Valkenburg

Senator Stephens moved, duly carried, that the President be authorized to appoint a Free Conference Committee to confer on House Amendments to Senate Bill No. 298.

The President appointed the following committee:

Senator Hazelbaker, Chairman
Senator Turnage
Senator Blaylock

Senator Stephens moved, duly carried, that the President be authorized to appoint a Free Conference Committee to confer on House Amendments to Senate Bill No. 320.

The President appointed the following committee:

Senator Hager, Chairman
Senator Halligan
Senator Goodover

Senator Stephens moved, duly carried, that the President be authorized to appoint a Conference Committee to confer on House Amendments to Senate Bill No. 325.

The President appointed the following committee:

Senator Stephens, Chairman

Senator Kolstad
Senator Ryan

Senator Stephens moved, duly carried, that the President be authorized to appoint a Conference Committee to confer on House Amendments to Senate Bill No. 352.

The President appointed the following committee:

Senator Goodover, Chairman
Senator Olson
Senator Blaylock

Senator Stephens moved, duly carried, that the President be authorized to appoint a Free Conference Committee to confer on House Amendments to Senate Bill No. 376.

The President appointed the following committee:

Senator Dover, Chairman
Senator Keating
Senator S. Brown

Senator Stephens moved, duly carried, that the President be authorized to appoint a Free Conference Committee to confer on House Amendments to Senate Bill No. 399.

The President appointed the following committee:

Senator Manley, Chairman
Senator Elliott
Senator Turnage

Senator Stephens moved, duly carried, that the President be authorized to appoint a Conference Committee to confer on House Amendments to Senate Bill No. 452.

The President appointed the following committee:

Senator Himsl, Chairman
Senator Halligan
Senator S. Brown

Senator Stephens moved, duly carried, that the President be authorized to appoint a Conference Committee to confer on House Amendments to Senate Bill No. 483.

The President appointed the following committee:

Senator B. Brown, Chairman
Senator Turnage
Senator Norman

Senator Stephens moved, duly carried, that the President be authorized to appoint a Free Conference Committee to confer on Senate Amendments to House Bill No. 713.

The President appointed the following committee:

Senator Crippen, Chairman
Senator Turnage
Senator Mazurek

Senator Stephens moved, duly carried, that the President be authorized to appoint a Free Conference Committee to confer on Senate Amendments to House Bill No. 488.

The President appointed the following committee:

Senator Aklestad, Chairman
Senator Kolstad
Senator Conover

Senator Stephens moved that the Joint Rules of the Forty-seventh Legislative Session be temporarily suspended in order to place the Governor's Amendments to Senate Bill No. 267, House Bill Nos. 307, 542, 653, and 675, House Amendments to Senate Bill No. 300, House Bill Nos. 217, 800, 801 and 832, House Joint Resolution No. 58, Governor's Amendments to Senate Bill No. 461, and House Amendments to Senate Joint Resolution No. 2 on Third Reading this day. Motion carried by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Stephens, Stimatz, Story, Tveit, Van Valkenburg, Mr. President.
Total 46

Noes: None.
Total 0

Excused: Thomas, Towe.
Total 2

Absent or not voting: Manning, Smith.
Total 2

SPECIAL ORDERS OF THE DAY

The President appointed the following as conferees on Senate Amendments to House Bill No. 200:

Senator Smith, Chairman
Senator Severson
Senator Boylan

The President appointed the following as conferees on Senate Amendments to House Bill No. 692:

Senator Kolstad, Chairman
Senator Lee
Senator Boylan

The President appointed the following as conferees on Senate Amendments to House Bill No. 558:

Senator McCallum, Chairman
Senator Hammond
Senator Van Valkenburg

The President appointed the following as conferees on House Amendments to Senate Bill No. 129:

Senator Hager, Chairman
Senator Turnage
Senator Norman

At the request of the President, and without objection, the Senate reverted to Order of Business No. 6.

MOTIONS

Senator Anderson moved, duly carried, that the President dissolve the Free Conference Committee appointed to confer on Senate Amendments to House Bill No. 209 because of a deadlock, and that he be authorized to appoint another committee.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

Governor's Amendments to Senate Bill No. 267 were concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Towe.
Total 1

Absent or not voting: None.
Total 0

House Bill No. 307 was concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Eck, Elliott, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hazelbaker, Healy, Himsl, Jacobson, Keating, Kolstad, Lee, Manning, Mazurek, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Tveit, Van Valkenburg, Mr. President.
Total 43

Noes: Dover, Etchart, Hammond, Johnson, Manley, McCallum.
Total 6

Excused: Towe.
Total 1

Absent or not voting: None.
Total 0

House Bill No. 542 was concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Tveit, Van Valkenburg, Mr. President.
Total 46

Noes: Hammond, O'Hara, Olson.
Total 3

Excused: Towe.
Total 1

Absent or not voting: None.
Total 0

House Bill No. 653 was concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Towe.
Total 1

Absent or not voting: None.
Total 0

House Bill No. 675 was concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Towe.
Total 1

Absent or not voting: None.
Total 0

House Amendments to Senate Bill No. 300 were concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: Elliott.
Total 1

Excused: Towe.
Total 1

Absent or not voting: None.
Total 0

House Bill No. 217 was concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Towe.
Total 1

Absent or not voting: None.
Total 0

House Bill No. 800 was concurred in by the following vote:

Ayes: Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Eck, Goodover, Graham, Haffey, Hager, Halligan, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Manley, Manning, Mazurek, McCallum, Norman, Ochsner, Olson, Regan, Ryan, Severson, Stephens, Stimatz, Thomas, Van Valkenburg, Mr. President.
Total 34

Noes: Aklestad, Dover, Elliott, Etchart, Galt, Hafferman, Hammond, Keating, Kolstad, Lee, Nelson, O'Hara, Smith, Story, Tveit.
Total 15

Excused: Towe.
Total 1

Absent or not voting: None.
Total 0

House Bill No. 801 was concurred in by the following vote:

Ayes: Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Eck, Etchart, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hazelbaker, Healy, Himsl, Jacobson, Keating, Kolstad, Lee, Manning, Mazurek, Nelson, Norman, Olson, Regan, Severson, Smith, Stephens, Stimatz, Thomas, Van Valkenburg, Mr. President.
Total 36

Noes: Aklestad, Dover, Elliott, Galt, Hammond, Johnson, Manley, Ochsner, O'Hara, Ryan, Story, Tveit.
Total 12

Excused: Towe.
Total 1

Absent or not voting: McCallum.
Total 1

House Bill No. 832 was concurred in by the following vote:

Ayes: Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Etchart, Galt, Goodover, Graham, Hafferman,

Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manning, Mazurek, McCallum, Nelson, Norman, O'Hara, Regan, Severson, Smith, Stephens, Stimatz, Thomas, Tveit, Van Valkenburg, Mr. President.
Total 42

Noes: Aklestad, Elliott, Manley, Ochsner, Olson, Ryan, Story.
Total 7

Excused: Towe.
Total 1

Absent or not voting: None.
Total 0

House Joint Resolution No. 58 was concurred in by the following vote:

Ayes: Aklestad, Anderson, Blaylock, Boylan, Conover, Dover, Elliott, Etchart, Galt, Goodover, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Norman, Ochsner, O'Hara, Olson, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Tveit, Mr. President.
Total 39

Noes: Berg, B. Brown, S. Brown, Crippen, Eck, Graham, Himsl, Nelson, Regan, Van Valkenburg.
Total 10

Excused: Towe.
Total 1

Absent or not voting: None.
Total 0

Governor's Amendments to Senate Bill No. 461 were concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Towe.
Total 1

Absent or not voting: None.
Total 0

House Amendments to Senate Joint Resolution No. 2 were concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Tveit, Van Valkenburg, Mr. President.

Total 47

Noes: Hammond, Ryan.
Total 2

Excused: Towe.
Total 1

Absent or not voting: None.
Total 0

At the request of the President, and without objection, the Senate reverted to Order of Business No. 2.

REPORTS OF STANDING COMMITTEES

The Senate will please take note that the President did, at the hour of 3:30 p.m., 4/11/81, sign the following bills:

HB 80, HB 90, HB 102, HB 127, HB 304, HB 321, HB 360, HB 398, HB 403, HB 424, HB 463, HB 533, HB 538, HB 546, HB 562, HB 594, HB 600, HB 624, HB 684, HB 698, HB 704, HB 815, HJR 17, HJR 21.

Jean A. Turnage
President

Upon motion of Senator Stephens, duly carried, the Senate adjourned at 5:10 p.m. until Monday, April 13, at the hour of 3:00 p.m.

JEAN A. TURNAGE
President of the Senate

JOHN W. LARSON
Secretary of the Senate

EIGHTY-SECOND LEGISLATIVE DAY

Helena, Montana
April 13, 1981

Senate Chambers
Capitol Building

Senate convened at 3:00 p.m., President Turnage presiding. Invocation by the Chaplain. Pledge of Allegiance to the Flag.

Roll call. All members present except Anderson, Ryan, Smith, Story, excused. Quorum present.

Mr. President: We, your Committee on Bills and Journal, having examined the daily journal for the Eighty-first Legislative Day, find the same to be correct.

O'HARA, Chairman

REPORTS OF STANDING COMMITTEES

LEGISLATIVE ADMINISTRATION (Kolstad, Chairman):
Respectfully reports as follows:

That the following attache of the Senate be terminated as of 5:00 p.m. on Thursday, April 9, 1981:

Jeannette Thornton.....Standing Comm. Secy.

That the following attaches of the Senate be terminated as of 5:00 p.m. on Saturday, April 11, 1981:

Julie Astle.....Page
Andrea Gary.....Page
Jim LaBelle.....Page
Marcella Lynch.....Page
Alfred Skogan.....Page
Doug Strosnider.....Page
Tracy Ward.....Page
Michael Wollan.....Page

That the following attaches of the Senate be employed as of 8:00 a.m. on Monday, April 13, 1981:

John Grande.....Page
Bruce Cason.....Page
Doug Stipcich.....Page
Julie Ann Murphy.....Page
Elizabeth Elliott.....Page
Mike Stoeckig.....Page
Joni Meldrum.....Page

Report adopted.

FINANCE AND CLAIMS (Himsl, Chairman):
HB 45, third reading copy, be amended as follows:

1. Page 44, line 6.
Following: "RETIRED"
Insert: "on or after July 1, 1975, but"

2. Page 47, line 22.
Following: "~~14%~~"
Strike: "15%"
Insert: "14.04%"

And, as so amended, be concurred in. Report adopted.

HB 469, third reading copy, be amended as follows:

1. Page 1, line 19.
Following: line 18
Insert: "This appropriation may be used only for research. No costs of administration or other indirect costs of the program may be funded by this appropriation."

And, as so amended, be concurred in. Report adopted.

HB 854, be concurred in. Report adopted.
HB 863, be concurred in. Report adopted.
HB 864, be concurred in. Report adopted.
HB 19, be not concurred in.

Thereupon, the Adverse Committee Report was adopted by the following roll call vote:

Ayes: Aklestad, B. Brown, Dover, Elliott, Etchart, Galt, Goodover, Graham, Hammond, Hazelbaker, Himsl, Keating, Kolstad, Lee, Manley, Manning, McCallum, Nelson, Ochsner, O'Hara, Olson, Story, Thomas, Tveit, Mr. President.
Total 27

Noes: Berg, Blaylock, Conover, Crippen, Eck, Hafferman, Haffey, Hager, Halligan, Healy, Jacobson, Johnson, Mazurek, Norman, Regan, Stimatz, Towe, Van Valkenburg.
Total 18

Excused: Anderson, Boylan, S. Brown, Severson, Stephens.
Total 5

Absent or not voting: None.
Total 0

REPORTS OF SELECT COMMITTEES

CONFERENCE COMMITTEE ON HOUSE AMENDMENTS TO SENATE BILL NO. 152

Report No. 1, April 11, 1981

MR. PRESIDENT AND SPEAKER OF THE HOUSE:

We, your Conference Committee on Senate Bill No. 152, met April 11, 1981, and considered:

House Local Government Committee Amendments to the third reading copy, dated March 25, 1981, and;

House Committee of the Whole Amendments to the third reading copy, dated March 28, 1981, and recommend as follows:

That the Senate accede to Standing Committee Amendment Nos. 1 and 2, dated March 25, 1981;

That the House recede from Committee of the Whole Amendment No. 1, dated March 28, 1981;

That the reference copy of Senate Bill No. 152 read as specified in the CLERICAL INSTRUCTIONS;

And, that the Conference Committee Report on Senate Bill No. 152 be adopted.

CLERICAL INSTRUCTIONS:

1. Page 1, lines 23 and 24.
Following: "system"
Strike: "INSTALLED AFTER JULY 1, 1981,"

FOR THE SENATE:

Senator Elliott, Chairman
Senator Mazurek
Senator Keating

FOR THE HOUSE:

Representative Hannah, Chairman
Representative Dussault
Representative Sales

Report adopted.

CONFERENCE COMMITTEE
ON SENATE AMENDMENTS TO HOUSE BILL NO. 135
Report No. 1, April 11, 1981

MR. PRESIDENT AND SPEAKER OF THE HOUSE:

We, your Conference Committee on House Bill No. 135, met April 11, 1981, and considered:

Senate State Administration Committee Amendments to the third reading copy, dated March 20, 1981, and;

Senate Committee of the Whole Amendments to the third reading copy, dated March 24, 1981, and recommend as follows:

That the House accede to Senate State Administration Committee Amendment Nos. 1 through 3;

That the Senate recede from Committee of the Whole Amendment Nos. 1 through 3;

That the reference copy of House Bill No. 135 read as specified in the CLERICAL INSTRUCTIONS;

And, that the Conference Committee Report to House Bill No. 135 be adopted.

CLERICAL INSTRUCTIONS:

1. Title, line 5.
Following: "SYSTEM"
Strike: "AND QUALIFIED MEMBERS OF THE PUBLIC EMPLOYEES' RETIREMENT SYSTEM"

2. Page 1, line 12.
Following: "schools."
Strike: "(1)"

3. Page 2, lines 14 through 22.
Following: line 13
Strike: subsection (2)

FOR THE SENATE:

Senator B. Brown, Chairman
Senator Hammond
Senator Regan

FOR THE HOUSE

Representative Hanson, Chairman
Representative Mueller
Representative Kennerly

Report adopted.

CONFERENCE COMMITTEE
ON SENATE AMENDMENTS TO HOUSE BILL NO. 161
Report No. 1, April 10, 1981

MR. PRESIDENT AND SPEAKER OF THE HOUSE:

We, your Conference Committee on Senate Amendments to House Bill No. 161, met April 10, 1981, and considered:

Senate State Administration Committee Amendments to the third reading copy, dated March 25, 1981, and recommend as follows:

That the Senate recede from Committee Amendment Nos. 1 through 8;

That the Senate recede from Committee Amendment Nos. 1 and 2 to the Statement of Intent;

That the reference copy of House Bill No. 161 read as specified in the CLERICAL INSTRUCTIONS;

And, that the Conference Committee Report on House Bill No. 161 be adopted.

CLERICAL INSTRUCTIONS:

1. Statement of Intent, page 1, lines 16 and 17.
Following: "~~government~~"
Strike: "THE DEPARTMENT OF HIGHWAYS"
Insert: "state government"

2. Statement of Intent, page 2, line 23 through page 3, line 1.
Following: line 22
Strike: the remainder of subsection (12)

3. Title, line 6.
Following: "~~STATEWIDE~~"
Strike: "PILOT"
Insert: "STATEWIDE"

4. Title, line 7.
Following: "PROGRAM"
Strike: "IN THE DEPARTMENT OF HIGHWAYS"

5. Title, lines 8 and 9.
Following: "PROPOSALS"
Strike: "; AND PROVIDING A TERMINATION DATE"

6. Page 1, line 16 through page 5, line 1.
Strike: all underlined material
Insert: all stricken material

FOR THE SENATE:

Senator Johnson, Chairman
Senator Kolstad
Senator Towe

FOR THE HOUSE:

Representative Gould, Chairman
Representative Dussault
Representative Winslow

Report adopted.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following House Bill was on 4/13/81, passed and transmitted to the Senate for concurrence:

House Bill No. 840, introduced by Bardanouve (55-44)

The House on 4/13/81, dissolved the Conference Committee, and the Speaker was authorized to appoint a new Conference Committee. Members of the House felt that the same members should serve on the Conference Committee for Senate Bill No. 50 and House Bill No. 558. Therefore, the following members will also serve on the Conference Committee to hear Senate Amendments to House Bill No. 558.

The Speaker appointed the following members:

Representative Sales, Chairman
Representative Vinger
Representative Dussault

The House on 4/11/81, authorized the Speaker to appoint a Free Conference Committee on House Bill No. 500, and respectfully requests the Senate to appoint a like committee to confer on Senate Amendments to House Bill No. 500.

The Speaker appointed the following members:

Representative Moore, Chairman
Representative Cozzens
Representative Conroy

The House on 4/13/81, authorized the Speaker to appoint a Conference Committee on House Amendments to Senate Bill No. 50.

The Speaker appointed the following members:

Representative Sales, Chairman
Representative Vinger
Representative Dussault

The House on 4/13/81, authorized the Speaker to appoint a Conference Committee on House Amendments to Senate Bill No. 42.

The Speaker appointed the following members:

Representative Devlin, Chairman
Representative Switzer
Representative Huennekens

The following Conference Committee Report was on 4/13/81, adopted on Third Reading:

Conference Committee Report to House Bill No. 270

The following Conference Committee Report was on 4/11/81, adopted on Third Reading:

Conference Committee Report to House Bill No. 336.

MOTIONS

Senator Van Valkenburg moved that House Bill No. 258 be taken from Second Reading and rereferred to the Committee on Finance and Claims. Motion failed by the following vote:

Ayes: Berg, Blaylock, B. Brown, S. Brown, Conover, Eck, Etchart, Haffey, Healy, Jacobson, Manley, Mazurek, Norman, Regan, Stimatz, Towe, Van Valkenburg.
Total 17

Noes: Aklestad, Boylan, Crippen, Dover, Elliott, Galt, Goodover, Graham, Hafferman, Hager, Halligan, Hammond, Hazelbaker, Himsl, Johnson,

Keating, Kolstad, Lee, Manning, McCallum, Nelson, Ochsner, O'Hara, Olson, Severson, Stephens, Story, Thomas, Tveit, Mr. President.
Total 30

Excused: Anderson, Ryan.
Total 2

Absent or not voting: Smith.
Total 1

Senator Stephens moved, duly carried, that the President be authorized to appoint a Conference Committee to confer on House Amendments to Senate Bill No. 221.

The President appointed the following committee:

Senator Elliott, Chairman
Senator B. Brown
Senator Van Valkenburg

Senator Stephens moved, duly carried, that the President be authorized to appoint a Conference Committee to confer on House Amendments to Senate Bill No. 257.

The President appointed the following committee:

Senator Hazelbaker, Chairman
Senator Story
Senator S. Brown

Senator Stephens moved, duly carried, that the President be authorized to appoint a Free Conference Committee to confer on Senate Amendments to House Bill No. 500.

The President appointed the following committee:

Senator Smith, Chairman
Senator Aklestad
Senator Regan

Senator Stephens moved, duly carried, that the Conference Committee on House Amendments to Senate Bill No. 399 be dissolved, and that the President be authorized to appoint a new Free Conference Committee.

Senator Stephens moved, duly carried, that the President be authorized to appoint a Free Conference Committee to confer on House Amendments to Senate Bill No. 399.

The President appointed the following committee:

Senator Manley, Chairman
Senator Turnage
Senator Boylan

Senator Stephens moved that the Joint Rules of the Forty-seventh Legislative Session be temporarily suspended in order to receive House Bill No. 840. Motion carried by the following vote:

Ayes: Aklestad, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Norman, O'Hara, Olson, Regan, Severson, Stephens, Stimatz, Story, Towe, Tveit, Van Valkenburg, Mr. President.

Total 43

Noes: Elliott, Nelson.
Total 2

Excused: Anderson, Ryan.
Total 2

Absent or not voting: Ochsner, Smith, Thomas.
Total 3

Senator Stephens moved that House Amendments to Senate Bill No. 98 be deemed concurred in by the Senate nunc pro tunc. Motion carried by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Ryan.
Total 1

Absent or not voting: None.
Total 0

SPECIAL ORDERS OF THE DAY

The President appointed the following as conferees on a Free Conference Committee on Senate Amendments to House Bill No. 652:

Senator Keating, Chairman
Senator Dover
Senator Hafferman

The President appointed the following as conferees on a Free Conference Committee on Senate Amendments to House Bill No. 209:

Senator B. Brown, Chairman
Senator O'Hara
Senator Mazurek

At the request of the President, and without objection, the Senate reverted to Order of Business No. 7.

FIRST READING OF BILLS

The following House bill was introduced, read first time and referred to committee:

HB 840, introduced by Bardanouve, Van Valkenburg, (By Request of the Department of Administration). Referred to Committee on Finance and Claims.

At the request of the President, and without objection, the Senate reverted to Order of Business No. 6.

MOTIONS

Senator Stephens moved, duly carried, that his motion on the Conference Committee to confer on House Amendments to Senate Bill No. 257 be withdrawn.

Senator Stephens moved, duly carried, that the President be authorized to appoint a Free Conference Committee to confer on House Amendments to Senate Bill No. 257.

The President appointed the following committee:

Senator Hazelbaker, Chairman
Senator Story
Senator S. Brown

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

The Free Conference Committee Report on Senate Bill No. 341 was adopted by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Ryan.
Total 1

Absent or not voting: Graham.
Total 1

Governor's Amendments to Senate Bill No. 58 were concurred in by the following vote:

Ayes: Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 43

Noes: Aklestad, Kolstad, Lee.
Total 3

Excused: Ryan.
Total 1

Absent or not voting: Graham, Manley, Severson.
Total 3

At the request of the President, and without objection, the Senate reverted to Order of Business No. 8.

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Elliott in the Chair.

Senate resumed. President Turnage in the Chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on Second Reading, recommend as follows:

That House Bill No. 798 be amended as follows:

That the following Amendments of the Senate Standing Committee on Taxation, dated April 6, 1981, be amended to read as follows:

1. Title, line 8.
Following: "AUTHORITY"
Insert: "; CREATING AN ECONOMIC DEVELOPMENT GUARANTY FUND"

17. Page 24.
Following: line 10
Insert: Sections 25 through 27
Strike: Section 28
Renumber: Sections 29 and 30

Amendments passed by the following vote:

Ayes: Aklestad, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, Nelson, Norman, O'Hara, Olson, Regan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 45

Noes: Anderson, Etchart, McCallum, Ochsner.
Total 4

Excused: Ryan.
Total 1

Absent or not voting: None.
Total 0

That House Bill No. 798, as amended, be concurred in by the following vote:

Ayes: Aklestad, Berg, Blaylock, Conover, Crippen, Eck, Elliott, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Kolstad, Manning, Norman, O'Hara, Regan, Severson, Stephens, Thomas, Towe, Mr. President.
Total 23

Noes: Anderson, B. Brown, S. Brown, Dover, Etchart, Galt, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Lee, Manley, Mazurek, McCallum, Nelson, Ochsner, Olson, Stimatz, Tveit, Van Valkenburg.
Total 21

Excused: Ryan.
Total 1

Absent or not voting: Boylan, Johnson, Keating, Smith, Story.
Total 5

That House Bill No. 258 be concurred in by the following vote:

Ayes: Aklestad, B. Brown, Conover, Crippen, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Halligan, Hammond, Himsl, Johnson, Keating, Kolstad, Lee, Manley, Manning, Nelson, Ochsner, O'Hara, Regan, Severson, Smith, Stephens, Story, Thomas, Towe, Tveit.
Total 30

Noes: Blaylock, S. Brown, Eck, Haffey, Healy, Jacobson, Norman, Olson, Stimatz, Van Valkenburg.
Total 10

Excused: Ryan.
Total 1

Absent or not voting: Anderson, Berg, Boylan, Dover, Hager, Hazelbaker, Mazurek, McCallum, Mr. President.
Total 9

That the Governor's Amendments to House Bill No. 69 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Ryan.
Total 1

Absent or not voting: None.
Total 0

That the Governor's Amendments to House Bill No. 197 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Ryan.
Total 1

Absent or not voting: None.
Total 0

That the Governor's Amendments to House Bill No. 201 be not concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham,

Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Severson, Smith, Stephens, Story, Stimatz, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Ryan.
Total 1

Absent or not voting: None.
Total 0

That the Governor's Amendments to House Bill No. 286 be not concurred in. Motion failed by the following vote:

Ayes: Aklestad, Elliott, Etchart, Galt, Goodover, Hammond, Johnson, Keating, Kolstad, Lee, Manley, McCallum, Nelson, Ochsner, O'Hara, Olson, Severson, Smith, Story, Thomas, Tveit.
Total 21

Noes: Blaylock, B. Brown, S. Brown, Conover, Crippen, Eck, Graham, Hafferman, Haffey, Halligan, Healy, Himsl, Jacobson, Manning, Mazurek, Norman, Regan, Ryan, Stimatz, Towe, Van Valkenburg, Mr. President.
Total 22

Excused: None.
Total 0

Absent or not voting: Anderson, Berg, Boylan, Dover, Hager, Hazelbaker, Stephens.
Total 7

That the Governor's Amendments to House Bill No. 286 be concurred in by the following vote:

Ayes: Blaylock, B. Brown, S. Brown, Conover, Crippen, Eck, Elliott, Graham, Hafferman, Haffey, Halligan, Healy, Himsl, Jacobson, Manning, Mazurek, Norman, Regan, Ryan, Stimatz, Towe, Van Valkenburg, Mr. President.
Total 23

Noes: Aklestad, Etchart, Goodover, Hammond, Johnson, Keating, Kolstad, Lee, Manley, McCallum, Nelson, Ochsner, O'Hara, Olson, Severson, Smith, Stephens, Story, Thomas, Tveit.
Total 20

Excused: None.
Total 0

Absent or not voting: Anderson, Berg, Boylan, Dover, Galt, Hager, Hazelbaker.
Total 7

That the Governor's Amendments to House Bill No. 547 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek,

McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

That the Governor's Amendments to House Bill No. 593 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

That the Governor's Amendments to House Bill No. 632 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

That the Conference Committee Report on Senate Bill No. 33 be adopted by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan,

Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

That House Amendments to Senate Bill No. 392 be concurred in by the following vote:

Ayes: Blaylock, B. Brown, S. Brown, Crippen, Eck, Galt, Graham, Hafferman, Halligan, Hammond, Himsl, Johnson, Kolstad, Lee, Manley, Manning, Nelson, Ochsner, O'Hara, Ryan, Severson, Smith, Story, Towe, Tveit, Mr. President.
Total 26

Noes: Elliott, Etchart, Haffey, Healy, Jacobson, Keating, Norman, Olson, Regan, Stephens, Stimatz.
Total 11

Excused: None.
Total 0

Absent or not voting: Aklestad, Anderson, Berg, Boylan, Conover, Dover, Goodover, Hager, Hazelbaker, Mazurek, McCallum, Thomas, Van Valkenburg.
Total 13

That House Amendments to Senate Joint Resolution No. 8 be not concurred in. Motion failed by the following vote:

Ayes: Blaylock, Eck, Halligan, Norman, Regan, Ryan, Towe, Mr. President.
Total 8

Noes: Aklestad, Boylan, S. Brown, Conover, Crippen, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hammond, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, McCallum, Nelson, Ochsner, O'Hara, Olson, Severson, Smith, Stephens, Stimatz, Thomas, Tveit, Van Valkenburg.
Total 33

Excused: None.
Total 0

Absent or not voting: Anderson, Berg, B. Brown, Dover, Hager, Hazelbaker, Manning, Mazurek, Story.
Total 9

That House Amendments to Senate Joint Resolution No. 8 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan,

Severson, Smith, Stephens, Story, Stimatz, Thomas, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: Towe.
Total 1

Excused: None.
Total 0

Absent or not voting: None.
Total 0

That House Bill No. 601 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: Hammond, Olson.
Total 2

Excused: None.
Total 0

Absent or not voting: None.
Total 0

That House Bill No. 827 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

That House Bill No. 838 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

That the Governor's Amendments to House Bill No. 286 be segregated from the Committee of the Whole Report. Motion carried by the following vote:

Ayes: Aklestad, Boylan, Crippen, Elliott, Etchart, Galt, Goodover, Hafferman, Hammond, Johnson, Keating, Kolstad, Lee, Manley, McCallum, Nelson, Ochsner, O'Hara, Olson, Severson, Stephens, Story, Tveit.
Total 23

Noes: Blaylock, S. Brown, Conover, Eck, Graham, Haffey, Halligan, Healy, Himsl, Jacobson, Manning, Norman, Regan, Stimatz, Towe, Van Valkenburg.
Total 16

Excused: None.
Total 0

Absent or not voting: Anderson, Berg, B. Brown, Dover, Hager, Hazelbaker, Mazurek, Ryan, Smith, Thomas, Mr. President.
Total 11

That the Committee rise and report. (Elliott, Chairman)

Upon motion of Senator Elliott, duly carried, the foregoing Report of the Committee of the Whole was adopted.

At the request of the President, and without objection, the Senate reverted to Order of Business No. 2.

REPORTS OF STANDING COMMITTEES

COMMITTEE ON COMMITTEES (Galt, Chairman):
Does hereby appoint to the LEGISLATIVE FINANCE COMMITTEE the following members:

Senator McCallum
Senator Van Valkenburg

Report adopted.

FINANCE AND CLAIMS (Himsl, Chairman):
Does hereby appoint to the LEGISLATIVE FINANCE COMMITTEE the following members:

Senator E. Smith
Senator Aklestad
Senator Regan
Senator Haffey

Report adopted.

COMMITTEE ON COMMITTEES (Galt, Chairman):
Does hereby appoint to the CAPITOL BUILDING AND PLANNING COMMITTEE the following members:

Senator Olson
Senator Conover

Report adopted.

Does hereby appoint to the REVENUE OVERSIGHT COMMITTEE the following members:

Senator Turnage
Senator Galt
Senator B. Brown
Senator Towe
Senator Ryan
Senator Norman

Report adopted.

FINANCE AND CLAIMS (Himsl, Chairman):
HB 290, third reading copy, be amended as follows:

1. Page 4, lines 1 through 3.
Strike: Section 4 in its entirety

And, as so amended, be concurred in. Report adopted.

HB 620, be concurred in. Report adopted.

The Committee adopted the following Statement of Intent:

STATEMENT OF INTENT: House Bill No. 620

A statement of intent is required for this bill because it grants rulemaking authority to the department of military affairs relating to the administration of reenlistment or extension incentive bonus.

The person designated by the director of the department of military affairs shall adopt rules that determine the amount of the bonus that will be paid upon completion of a year of service. The amount shall be based on the appropriation. The rules shall provide a method of meshing the need to have an incentive in advance of the reenlistment or extension and the fact that such incentive is dependent on an amount of money which is dependent on a future appropriation. Thus, a person who reenlists in 1982 may be guaranteed by rule a fixed amount based on the 1982-83 appropriation which amount would be paid at the end of a successfully completed year in 1982 and 1983, but the amount that such a member would be paid at the end of 1984 or 1985 would be contingent upon an appropriation for 1984-85 by the Forty-eight Legislature. The rules shall provide a means of identifying unit vacancies that are eligible.

Report adopted.

HB 865, third reading copy, be amended as follows:

1. Title, line 6.
Following: "1981"
Insert: "PERMITTING CERTAIN APPROPRIATIONS TO THE DEPARTMENT OF REVENUE TO CONTINUE TO THE NEXT BIENNIUM"

2. Page 1, line 10.
Following: "limit."
Strike: "The"
Insert: "(1) Except as provided in subsection (2), the"

3. Page 1, line 16.
Following: line 15
Insert: "(2) The appropriation to the department of revenue by this act ($150,000) and the appropriation to the department of revenue by House Bill No. 94 for property valuation purposes, Phase I, ($110,000) may continue for the biennium ending June 30, 1983. These appropriations may be spent for the stated purposes only."

And, as so amended, be concurred in. Report adopted.

TAXATION (Goodover, Chairman):
HB 63, third reading copy, be amended as follows:

1. Page 2, line 5.
Following: "in excess of"
Strike: "$3,600"
Insert: "$360"

2. Page 2, line 7 through line 13.
Following: "system" on line 7
Insert: ";"
Strike: remainder of text through line 13

And, as so amended, be concurred in. Report adopted.

STATE ADMINISTRATION (Story, Chairman):
HJR 51, be concurred in. Report adopted.
HJR 59, be concurred in. Report adopted.
HJR 62, be concurred in. Report adopted.

The Senate will please take note that the President did, at the hour of 4:00 p.m., 4/13/81, sign the following bills:
HB 467, HB 626, HB 790, HJR 48.

Jean A. Turnage
President

REPORTS OF SELECT COMMITTEES

FREE CONFERENCE COMMITTEE
ON SENATE BILL NO. 253
Report No. 1, April 13, 1981

MR. PRESIDENT AND SPEAKER OF THE HOUSE:

We, your Free Conference Committee on Senate Bill No. 253, met April 13, 1981, and considered:

House Committee on Judiciary Amendments to the third reading copy, dated March 27, 1981, and recommend as follows:

That the Senate accede to Committee Amendment Nos. 1 and 2;

That Senate Bill No. 253 be further amended as specified in CLERICAL INSTRUCTION NO. 1;

That the reference copy of Senate Bill No. 253 read as specified in the CLERICAL INSTRUCTIONS;

And, that the Free Conference Committee Report to Senate Bill No. 253 be adopted.

CLERICAL INSTRUCTIONS:

1. Page 4, line 12.
Following: "purposes"
Insert: "or commits or allows to be committed the act of sexual abuse of children as defined in subsection (1) of 45-5-625"

FOR THE SENATE:

Senator B. Brown, Chairman
Senator Hager

FOR THE HOUSE:

Representative Anderson, Chairman
Representative Conn

Senator Regan Representative Yardley

Report adopted.

CONFERENCE COMMITTEE
ON HOUSE BILL NO. 26
Report No. 1, April 13, 1981

MR. PRESIDENT AND SPEAKER OF THE HOUSE:

We, your Conference Committee on House Bill No. 26, met April 13, 1981, and considered:

Senate Committee on State Administration Amendment to the third reading copy, dated March 20, 1981, and;

Senate Committee of the Whole Amendments to the third reading copy, dated March 23, 1981, and recommend as follows:

That the House accede to Committee Amendment No. 1;

That the Senate recede from Committee of the Whole Amendment Nos. 1 through 18;

That the reference (engrossed) copy of House Bill No. 26 read as specified in the CLERICAL INSTRUCTIONS; and

That the Conference Committee Report to House Bill No. 26 be adopted.

CLERICAL INSTRUCTIONS:

1. Title, line 6.
Following: "~~PRIVATE~~"
Insert: "PRIVATE"

2. Page 1, line 13.
Following: "~~private~~"
Insert: "private"

3. Page 1, line 18.
Following: "~~private~~"
Insert: "private"

4. Page 1, line 23.
Following: "~~private~~"
Insert: "private"

5. Page 2, line 23.
Following: "~~consultant~~"
Insert: "private"

6. Page 2, line 25.
Following: "~~EMPLOYEE~~"
Strike: "INCLUDING OTHER STATE AGENCIES OR EMPLOYEES"
Insert: "other than a state agency or employee"

7. Page 3, line 24.
Following: "~~private~~"
Insert: "private"

8. Page 3, line 25.
Following: "~~private~~"
Insert: "private"

9. Page 4, line 6.
Following: "~~private~~"
Insert: "private"

10. Page 4, line 12.
Following: "~~private~~"
Insert: "private"

11. Page 5, line 2.
Following: "~~private~~"
Insert: "private"

12. Page 5, line 8.
Following: "~~private~~"
Insert: "private"

13. Page 5, line 19.
Following: "~~private~~"
Insert: "private"

14. Page 7, line 17.
Following: "~~PRIVATE~~"
Insert: "private"

15. Page 7, line 20.
Following: "~~PRIVATE~~"
Insert: "private"

16. Page 7, line 24.
Following: "~~PRIVATE~~"
Insert: "private"

17. Page 7, line 25.
Following: "~~PRIVATE~~"
Insert: "private"

18. Page 9, line 19.
Following: "~~private~~"
Insert: "private"

FOR THE SENATE:

Senator Kolstad, Chairman
Senator Johnson
Senator Hafferman

FOR THE HOUSE

Representative Moore, Chairman
Representative Feda
Representative Conroy

Report adopted.

MOTIONS

Senator B. Brown moved that House Bill No. 63 be taken from the Committee on Bills and Journal and rereferred to the Committee on Finance and Claims. Motion carried by the following vote:

Ayes: Aklestad, Berg, B. Brown, Conover, Elliott, Galt, Graham, Haffey, Hazelbaker, Healy, Jacobson, Keating, Manley, Manning, Nelson, Norman, Olson, Regan, Ryan, Severson, Stephens, Stimatz, Thomas, Towe.
Total 24

Noes: Anderson, S. Brown, Crippen, Eck, Etchart, Goodover, Hafferman, Hammond, Himsl, Johnson, Kolstad, Lee, Mazurek, McCallum, Ochsner, O'Hara, Smith, Story, Tveit, Van Valkenburg.
Total 20

Excused: None.

Total 0

Absent or not voting: Blaylock, Boylan, Dover, Hager, Halligan, Mr. President.
Total 6

Senator Stephens moved, duly carried, that the Free Conference Committee on Senate Amendments to House Bill No. 652 be dissolved, and a new Free Conference Committee be appointed.

The President appointed the following committee:

Senator Keating, Chairman
Senator Dover
Senator Van Valkenburg

Upon motion of Senator Stephens, duly carried, the Senate adjourned at 5:03 p.m. until Tuesday, April 14, at the hour of 3:00 p.m.

JEAN A. TURNAGE
President of the Senate

JOHN W. LARSON
Secretary of the Senate

EIGHTY-THIRD LEGISLATIVE DAY

Helena, Montana
April 14, 1981

Senate Chambers
Capitol Building

Senate convened at 3:00 p.m., President Pro Tempore Kolstad presiding. Invocation by the Chaplain. Pledge of Allegiance to the Flag.

Roll call. All members present. Quorum present.

Mr. President: We, your Committee on Bills and Journal, having examined the daily journal for the Eighty-second Legislative Day, find the same to be correct.

O'HARA, Chairman

MOTIONS

Senator Hazelbaker moved, duly carried, that the Senate recess at the hour of 3:04 p.m., subject to the Call of the Chair.

At the request of the President Pro Tempore, and without objection, the Senate reverted to Order of Business No. 2.

REPORTS OF STANDING COMMITTEES

FINANCE AND CLAIMS (Himsl, Chairman):
HB 674, be concurred in. Report adopted.
HB 828, be concurred in. Report adopted.
HB 851, be concurred in. Report adopted.

STATE ADMINISTRATION (Story, Chairman):
HB 580, third reading copy, be amended as follows:

1. Page 1, line 25.
Strike: "$43,360 $47,023"
Insert: "$43,000 $45,000"

2. Page 2, line 2.
Strike: "$31.077 $33,671"
Insert: "$30,000 $32,000"

3. Page 2, line 5.
Strike: "$44,447 $48,204"
Insert: "$43,000 $45,000"

4. Page 2, line 8.
Strike: "$43,360 $47,023"
Insert: "$42,000 $44,000"

5. Page 2, line 10.
Strike: "$39,555 $42,887"
Insert: "$38,000 $40,000"

6. Page 2, line 12.
Strike: "$28,685 $31,071"
Insert: "$28,000 $30,000"

7. Page 2, line 17.
Strike: "$31,077 $33,671"
Insert: "$30,000 $32,000"

8. Page 2, line 19.
Strike: "$28,685 $31,071"
Insert: "$27,500 $29,000"

9. Page 2, line 21.

Strike: "$27,870 $30,185"
Insert: "$27,000 $28,500"

10. Page 3, line 1.
Following: "~~$37,000~~"
Strike: "$42,273"
Insert: "$40,000"

11. Page 3, line 2.
Following: "~~$39,000~~"
Strike: "$45,841"
Insert: "$42,500"

12. Page 3, line 10.
Following: "grade"
Strike: "8"
Insert: "9"

13. Page 4, line 10.
Following: "~~$22,000~~"
Strike: "$23,794"
Insert: "$22,500"
Following: "and"
Strike: "$25,754"
Insert: "$24,000"

14. Page 5, line 6.
Following: "~~$20,276~~"
Strike: "$23,554"
Insert: "$22,000"

15. Page 5, line 7.
Following: "~~$21,779~~"
Strike: "$25,493"
Insert: "$24,000"

And, as so amended, be concurred in. Report adopted.

TAXATION (Goodover, Chairman):
HB 27, third reading copy, be amended as follows:

1. Title, lines 5 and 6.
Following: "TO"
Strike: remainder of line 5 and all of line 6
Insert: "CLARIFY THAT THE INDIVIDUAL INCOME TAX BASE EXEMPTION IS $800"

2. Page 5, line 13.
Following: "(2)"
Insert: "of 15-30-103"

3. Page 5, line 16.
Following: "(8)"
Insert: "of 15-30-112"

4. Page 5, line 19.
Following: "(2)"
Insert: "of 15-30-122"

5. Page 9, lines 1, 4, 10, 14, and 22, page 10, lines 1, 20, and 25.
Following: "~~$800~~"
Strike: "$1,000"
Insert: "$800" on each line

6. Page 13, line 3.
Following: "~~$940~~"
Strike: "$1,180"
Insert: "$1,000"

7. Page 13, line 6.
Following: "~~$1,880~~"
Strike: "$2,360"
Insert: "$2,000"

8. Page 13, line 11.
Following: "~~$800~~"
Strike: "$1,000"
Insert: "$800"

9. Page 15, line 23.
Following: "by"
Strike: "$50"
Insert: "$250"

10. Page 16, line 3.
Following: "by"
Strike: "$250"
Insert: "$450"

And, as so amended, be concurred in. Report adopted.

EDUCATION AND CULTURAL RESOURCES (B. Brown, Chairman):
HJR 46, third reading copy, be amended as follows:

1. Title, line 10.
Strike: "THE LEGISLATIVE FINANCE"
Insert: "AN APPROPRIATE INTERIM"

2. Page 2, line 10.
Strike: "THE LEGISLATIVE FINANCE"
Insert: "an appropriate interim"

And, as so amended, be concurred in. Report adopted.

STATE ADMINISTRATION (Story, Chairman):
HJR 63, be concurred in. Report adopted.

The Senate will please take note that the President did, at the hour of 6:00 p.m., 4/13/81, sign the following bills:
HB 370, HB 372, HB 436, HB 448, HB 479, HB 498, HB 524, HB 557, HB 566, HB 587, HB 703, HB 734, HB 735, HB 766.

Jean A. Turnage
President

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

House Bill No. 258 was concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Goodover, Graham, Hafferman, Hager, Hammond, Hazelbaker, Healy, Johnson, Keating, Kolstad, Lee, Manley, Mazurek, McCallum, Nelson, Ochsner, O'Hara, Regan, Ryan, Severson, Smith, Stephens, Tveit, Mr. President.
Total 36

Noes: Halligan, Jacobson, Norman, Olson, Van Valkenburg.
Total 5

Excused: Towe.
Total 1

Absent or not voting: Etchart, Galt, Haffey, Himsl, Manning, Stimatz, Story, Thomas.
Total 8

House Bill No. 601 was concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Goodover, Graham, Hafferman, Hager, Halligan, Hammond, Hazelbaker, Healy, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Tveit, Van Valkenburg, Mr. President.
Total 42

Noes: None.
Total 0

Excused: Towe.
Total 1

Absent or not voting: Etchart, Galt, Haffey, Himsl, Stimatz, Story, Thomas.
Total 7

House Bill No. 798 was not concurred in by the following vote:

Ayes: Berg, Blaylock, Boylan, Crippen, Eck, Elliott, Goodover, Graham, Haffey, Halligan, Lee, Norman, Regan, Ryan, Severson, Stephens, Towe, Van Valkenburg, Mr. President.
Total 19

Noes: Aklestad, Anderson, B. Brown, S. Brown, Conover, Dover, Etchart, Hafferman, Hager, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Manley, Mazurek, McCallum, Nelson, Ochsner, O'Hara, Olson, Smith, Stimatz, Story, Tveit.
Total 28

Excused: None.
Total 0

Absent or not voting: Galt, Manning, Thomas.
Total 3

(Including the following pairs: Towe, aye - Hazelbaker, no; Blaylock, aye - Himsl, no.)

House Bill No. 827 was concurred in by the following vote:

Ayes: Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Jacobson, Johnson, Keating, Kolstad, Lee, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Tveit, Van Valkenburg, Mr. President.
Total 44

Noes: Aklestad, Manley.
Total 2

Excused: Himsl, Towe.
Total 2

Absent or not voting: Etchart, Galt.
Total 2

House Bill No. 838 was concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Tveit, Van Valkenburg, Mr. President.
Total 47

Noes: None.
Total 0

Excused: Himsl, Towe.
Total 2

Absent or not voting: Galt.
Total 1

Governor's Amendments to House Bill No. 69 were concurred in by the following vote:

Ayes: Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Jacobson, Johnson, Keating, Kolstad, Lee, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Tveit, Van Valkenburg, Mr. President.
Total 44

Noes: Aklestad, Manley, Ryan.
Total 3

Excused: Himsl, Towe.
Total 2

Absent or not voting: Galt.
Total 1

Governor's Amendments to House Bill No. 197 were concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Jacobson, Johnson, Keating, Kolstad, Lee, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Tveit, Van Valkenburg, Mr. President.
Total 47

Noes: None.
Total 0

Excused: Himsl, Towe.
Total 2

Absent or not voting: Manley.

Total 1

Governor's Amendments to House Bill No. 547 were concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Jacobson, Johnson, Keating, Kolstad, Lee, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Tveit, Van Valkenburg, Mr. President.
Total 47

Noes: None.
Total 0

Excused: Himsl, Towe.
Total 2

Absent or not voting: Manley.
Total 1

Governor's Amendments to House Bill No. 593 were concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Himsl, Towe.
Total 2

Absent or not voting: None.
Total 0

Governor's Amendments to House Bill No. 632 were concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Jacobson, Johnson, Keating, Kolstad, Lee, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Tveit, Van Valkenburg, Mr. President.
Total 46

Noes: Manley.
Total 1

Excused: Himsl, Towe.
Total 2

Absent or not voting: Blaylock.
Total 1

The Conference Committee Report on Senate Bill No. 33 was adopted by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Himsl, Towe.
Total 2

Absent or not voting: None.
Total 0

House Amendments to Senate Bill No. 392 were concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Galt, Graham, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Johnson, Kolstad, Lee, Manning, Mazurek, McCallum, Nelson, Ochsner, O'Hara, Severson, Stephens, Story, Thomas, Tveit, Mr. President.
Total 34

Noes: Elliott, Etchart, Goodover, Hafferman, Haffey, Jacobson, Keating, Manley, Norman, Olson, Regan, Ryan, Smith, Stimatz, Van Valkenburg.
Total 15

Excused: Towe.
Total 1

Absent or not voting: None.
Total 0

(Including the following pair: Himsl, aye - Smith, no.)

House Amendments to Senate Joint Resolution No. 8 were concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hazelbaker, Healy, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Tveit, Van Valkenburg, Mr. President.
Total 47

Noes: Hammond.
Total 1

Excused: Himsl, Towe.
Total 2

Absent or not voting: None.
Total 0

At the request of the President Pro Tempore, and without objection, the Senate reverted to Order of Business No. 3.

REPORTS OF SELECT COMMITTEES

FREE CONFERENCE COMMITTEE
ON SENATE BILL NO. 320
Report No. 1, April 14, 1981

MR. PRESIDENT AND SPEAKER OF THE HOUSE:

We, your Free Conference Committee on Senate Bill No. 320, met April 14, 1981, and considered:

House Committee of the Whole Amendments to the third reading copy, dated March 14, 1981, and;

House Committee of the Whole Amendments to the third reading copy, dated March 26, 1981, and recommend as follows:

That the Senate accede to the above mentioned Committee of the Whole Amendments;

That Senate Bill No. 320 be further amended as specified in CLERICAL INSTRUCTION NO. 1;

That the reference copy of Senate Bill No. 320 read as specified in the CLERICAL INSTRUCTIONS;

And, that the Free Conference Committee Report to Senate Bill No. 320 be adopted.

CLERICAL INSTRUCTIONS:

1. Page 1, line 17.
Following: "department"
Strike: "for a fee of $1"

FOR THE SENATE:

Senator Hager, Chairman
Senator Halligan
Senator Conover

FOR THE HOUSE:

Representative Ellison, Chairman
Representative Devlin
Representative Brand

Report adopted.

FREE CONFERENCE COMMITTEE
ON HOUSE BILL NO. 488
Report No. 1, April 13, 1981

MR. PRESIDENT AND SPEAKER OF THE HOUSE:

We, your Free Conference Committee on House Bill No. 488, met April 13, 1981, and considered:

Senate Agriculture, Livestock & Irrigation Amendments dated March 20, 1981, and;

Senate Committee of the Whole Amendment dated March 24, 1981 and recommend as follows:

That the House accede to Amendment Nos. 1 through 7, dated March 20, 1981;

That the House accede to Committee of the Whole Amendment No. 1;

That House Bill No. 488 be further amended as specified in the CLERICAL INSTRUCTIONS NOS. 1 through 9;

And, that the Free Conference Committee Report to House Bill No. 488 be adopted.

CLERICAL INSTRUCTIONS:

1. Title, line 11.
Following: line 10
Strike: "ELIMINATE"
Insert: "MODIFY"

2. Title, line 13.
Following: "~~SECTION~~"
Strike: "SECTIONS 80-11-206 AND"
Insert: "SECTION"

3. Title, line 14.
Following: "PROVIDING"
Strike: "AN"

4. Title, line 15.
Following: "EFFECTIVE"
Strike: "DATE"
Insert: "DATES"

5. Page 1, line 18 through page 3, line 6.
Strike: Section 1 in its entirety
Renumber: subsequent sections

6. Page 4, line 5.
Following: "marketing"
Insert: "of alcohol byproducts and"

7. Page 4, line 11.
Following: "Section"
Strike: "2"
Insert: "1"

8. Page 4, line 14.
Following: "section"
Strike: "2"
Insert: "1"

9. Page 4, line 19.
Following: "SECTION"
Strike: "2"
Insert: "1"

FOR THE SENATE:

Senator Aklestad, Chairman
Senator Kolstad
Senator Conover

FOR THE HOUSE:

Representative Schultz, Chairman
Representative Ernst
Representative Jacobsen

Report adopted.

FREE CONFERENCE COMMITTEE
ON HOUSE BILL NO. 642
Report No. 1, April 11, 1981

MR. PRESIDENT AND SPEAKER OF THE HOUSE:

We, your Free Conference Committee on House Bill No. 642, met April 11, 1981, and considered:

Senate Committee on Natural Resources Amendment, dated March 17, 1981, and recommend as follows:

Having had under consideration Senate Committee on Natural Resources Amendment, dated March 17, 1981;

That the House accede to Amendment No. 1;

And, that the reference copy of House Bill No. 642, be further amended as follows:

1. Title, line 12.
Following: "FORAGE"
Insert: "GRASSES, HAY, AND SILAGE"

And, that the Statement of Intent to House Bill No. 642 be amended as follows:

1. Page 1, line 14.
Following: "forage"
Insert: "grasses, hay, and silage"

And, that the Free Conference Committee Report on House Bill No. 642 be adopted.

FOR THE SENATE:

Senator Elliott, Chairman
Senator B. Brown
Senator Jacobson

FOR THE HOUSE:

Representative Bennett, Chairman
Representative Iverson
Representative D. Brown

Report adopted.

MESSAGES FROM THE GOVERNOR

April 13, 1981

The Honorable Jean Turnage
President of the Senate
State Capitol
Helena, Montana 59620

Dear Mr. President:

This is to inform you that I have signed the following measures this date:

Senate Bill Nos. 142, 345, 125, 291, 55, 321, 481, 72, 57, 468, 436, 456, 404, 403, 412, 342.

Sincerely,

TED SCHWINDEN
Governor

April 13, 1981

The Honorable Jean A. Turnage
President of the Senate
State Capitol
Helena, Montana 59620

The Honorable Robert L. Marks
Speaker of the House
State Capitol

Helena, Montana 59620

Dear Senator Turnage and Representative Marks:

In accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby return Senate Bill 367, "AN ACT TO ALLOW THE BOARD OF LAND COMMISSIONERS TO ISSUE COAL LEASES TO FOREIGN INTERESTS AND TO ALLOW THE SALE OF COAL MINED UNDER LEASES FROM THE BOARD OF LAND COMMISSIONERS TO FOREIGN PERSONS; AMENDING SECTION 77-3-305, MCA; AND REPEALING SECTION 77-3-315, MCA," without my signature and recommend the attached amendments for the following reasons.

The strong support of SB 367 by the Legislature signals a clear change in public policy by the State of Montana. I remain concerned about the wisdom of committing finite U.S. energy resources to long term export contracts until America's energy needs are determined...and met.

Despite my reservations, however, I concur in SB 367 insofar as it permits coal from state leases to be sold to foreign interests. SB 367, however, also permits foreigners to acquire state coal leases without restriction. This unconditional right far exceeds the federal policy on mineral leasing.

It is one thing to allow the export of Montana coal. It is quite another matter to permit...even to encourage...foreign interests to directly acquire Montana coal through lease agreement.

For this reason, I am returning SB 367 with an amendment that will provide the opportunity to export Montana coal, but reject the right of lease acquisition by foreign interests. The title is changed accordingly.

I urge your concurrence in these amendments.

Sincerely,

TED SCHWINDEN
Governor

PROPOSED GOVERNOR'S AMENDMENTS TO SENATE BILL NO. 367

1. Page 1, line 5.
Following: "ACT"
Strike: "TO ALLOW THE BOARD OF"

2. Page 1, line 6.
Following: line 5
Strike: "LAND COMMISSIONERS TO ISSUE COAL LEASES TO FOREIGN INTERESTS"

3. Page 1, line 7.
Following: line 6
Strike: "AND"

4. Page 1, line 14.
Following: "leases"
Insert: ":"

5. Page 1, line 15.
Following: line 14
Insert: "(1) to any corporation the majority stock of which is controlled by interests foreign to the United States, except for those

interests within countries whose borders are contiguous to the United States; or"

6. Page 1, line 19.
Following: line 18
Insert: "(2)"

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The House on 4/14/81, dissolved the Conference Committee, and the Speaker was authorized to appoint a new Conference Committee, and the House respectfully requests the Senate to appoint a like committee to confer on House Amendments to Senate Bill No. 33.

The Speaker appointed the following members:

Representative Seifert, Chairman
Representative Anderson
Representative Huennekens

The House on 4/14/81, dissolved the Free Conference Committee, and the Speaker was authorized to appoint a new Free Conference Committee and the House respectfully requests the Senate to appoint a like committee to confer on House Amendments to Senate Bill No. 243.

The Speaker appointed the following members:

Representative Curtiss, Chairman
Representative Asay
Representative Shontz

The House on 4/14/81, authorized the Speaker to appoint a Conference Committee on House Amendments to Senate Bill No. 129.

The Speaker appointed the following members:

Representative Jensen, Chairman
Representative Wallin
Representative Pavlovich

The House on 4/14/81, authorized the Speaker to appoint a Conference Committee on House Amendments to Senate Bill No. 483.

The Speaker appointed the following members:

Representative Harp, Chairman
Representative Switzer
Representative Dozier

The House on 4/14/81, authorized the Speaker to appoint a Conference Committee on House Amendments to Senate Bill No. 352.

The Speaker appointed the following members:

Representative Andreason, Chairman
Representative Bergene
Representative Oberg

The House on 4/14/81, authorized the Speaker to appoint a Free Conference Committee on House Amendments to Senate Bill No. 320.

The Speaker appointed the following members:

Representative Ellison, Chairman
Representative Devlin

Representative Brand

The House on 4/14/81, authorized the Speaker to appoint a Conference Committee on House Amendments to Senate Bill No. 286.

The Speaker appointed the following members:

Representative Seifert, Chairman
Representative Curtiss
Representative Yardley

The House on 4/14/81, authorized the Speaker to appoint a Conference Committee on House Amendments to Senate Bill No. 376.

The Speaker appointed the following members:

Representative Mueller, Chairman
Representative Burnett
Representative Brown

The House on 4/14/81, authorized the Speaker to appoint a Conference Committee on House Amendments to Senate Bill No. 399.

The Speaker appointed the following members:

Representative Seifert, Chairman
Representative Hannah
Representative Robbins

The House on 4/14/81, authorized the Speaker to appoint a Free Conference Committee on House Amendments to Senate Bill No. 298.

The Speaker appointed the following members:

Representative Stobie, Chairman
Representative Ryan
Representative Daily

The House on 4/14/81, authorized the Speaker to appoint a Conference Committee on House Amendments to Senate Bill No. 238.

The Speaker appointed the following members:

Representative Eudaily, Chairman
Representative Conn
Representative Daily

The House on 4/14/81, authorized the Speaker to appoint a Conference Committee on House Amendments to Senate Bill No. 452.

The Speaker appointed the following members:

Representative Fabrega, Chairman
Representative Schultz
Representative Manning

The House on 4/14/81, dissolved the Conference Committee, and the Speaker was authorized to appoint a Free Conference Committee and the House respectfully requests the Senate to appoint a like committee to confer on House Amendments to Senate Bill No. 42.

The Speaker appointed the following members:

Representative Seifert, Chairman
Representative Anderson
Representative Huennekens

The House on 4/14/81, dissolved the Free Conference Committee, and the Speaker was authorized to appoint a new Free Conference Committee and the House respectfully requests the Senate to appoint a like committee to confer on House Amendments to Senate Bill No. 240.

The Speaker appointed the following members:

Representative Bennett, Chairman
Representative Nordtvedt
Representative Keedy

The House on 4/14/81, requested the return of the following Senate Bill for further consideration:

Senate Bill No. 409, introduced by Manning, Galt

The following Senate Bills were on 4/14/81, concurred in as amended, and returned to the Senate for concurrence in House Amendments:

Senate Bill No. 17, introduced by Thomas (94-0)

Senate Bill No. 19, introduced by R. Brown (92-1)

Senate Bill No. 77, introduced by Himsl (92-1)

The House on 4/14/81, on Third Reading, adopted the following Free Conference Committee Report:

Free Conference Committee Report to House Bill No. 642

The following Senate Bills were on 4/14/81, not concurred in, and returned to the Senate:

Senate Bill No. 102, introduced by Himsl

Senate Bill No. 160, introduced by M. Anderson

Senate Bill No. 207, introduced by Towe, Manning

The following Senate Joint Resolution was on 4/14/81, concurred in and returned to the Senate:

Senate Joint Resolution No. 10, introduced by Norman (85-9)

The following Senate Bill was on 4/14/81, concurred in and returned to the Senate:

Senate Bill No. 30, introduced by Goodover (93-1)

The following House Joint Resolutions were on 4/14/81, passed and transmitted to the Senate for concurrence:

House Joint Resolution No. 65, introduced by Harrington (84-9)

House Joint Resolution No. 67, introduced by Sivertsen (89-9)

MOTIONS

Senator Stephens moved, duly carried, that the Conference Committee appointed to confer on House Amendments to Senate Bill No. 221 be dissolved, and that a Free Conference Committee be appointed to confer on House Amendments to Senate Bill No. 221.

The President appointed the following committee:

Senator Elliott, Chairman
Senator B. Brown

Senator Van Valkenburg

Senator Stephens moved, duly carried, that the Free Conference Committee appointed to confer on House Amendments to Senate Bill No. 243 be dissolved, and that a Conference Committee be appointed to confer on House Amendments to Senate Bill No. 243.

Senator Stephens moved, duly carried, that the Conference Committee appointed to confer on House Amendments to Senate Bill No. 42 be dissolved, and that the President be authorized to appoint a Free Conference Committee, consisting of the same members, to confer on House Amendments to Senate Bill No. 42.

The President appointed the following committee:

Senator McCallum, Chairman
Senator Norman
Senator S. Brown

Senator Stephens moved, duly carried, that the Conference Committee appointed to confer on House Amendments to Senate Bill No. 376 be dissolved, and that the President be authorized to appoint a Free Conference Committee, consisting of the same members, to confer on House Amendments to Senate Bill No. 376.

The President appointed the following committee:

Senator Dover, Chairman
Senator Keating
Senator S. Brown

Senator Stephens moved that the Senate reconsider its action taken on the Conference Committee Report on House Amendments to Senate Bill No. 33 on Third Reading this day. Motion carried by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Tveit, Van Valkenburg, Mr. President.
Total 45

Noes: Hafferman, Ryan.
Total 2

Excused: Himsl, Towe.
Total 2

Absent or not voting: Manning.
Total 1

Senator Stephens moved, duly carried, that the Conference Committee appointed to confer on House Amendments to Senate Bill No. 33 be dissolved, and that the President be authorized to appoint a new Conference Committee to confer on House Amendments to Senate Bill No. 33.

FIRST READING OF BILLS

The following House Joint Resolutions were introduced, read first time and referred to committees:

HJR 65, introduced by Harrington, Quilici, McBride, Azzara, Shontz, D. Brown, Menahan, Dozier, Nilson, Pavlovich, Dailey, J. Jacobson,

Waldron, Haffey, Healy, Stimatz, Kennerly, O'Connell, Harper, Zabrocki, Yardley, Robbins, Bengtson, Williams, Pistoria. Referred to Committee on Business and Industry.

HJR 67, introduced by Sivertsen. Referred to Committee on State Administration.

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Thomas in the Chair.

Senate resumed. President Pro Tempore Kolstad in the Chair.

Mr. President Pro Tempore: We, your Committee of the Whole, having had under consideration business on Second Reading, recommend as follows:

That the Governor's Amendments to House Bill No. 286 be not concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Boylan, B. Brown, Crippen, Dover, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Hager, Hammond, Johnson, Keating, Kolstad, Lee, Manley, Mazurek, McCallum, Nelson, Ochsner, O'Hara, Olson, Ryan, Severson, Smith, Stephens, Story, Thomas, Tveit, Mr. President.
Total 34

Noes: S. Brown, Conover, Eck, Haffey, Halligan, Healy, Jacobson, Norman, Regan, Stimatz, Towe.
Total 11

Excused: Himsl.
Total 1

Absent or not voting: Blaylock, Hazelbaker, Manning, Van Valkenburg.
Total 4

That House Bill No. 42 pass consideration. Unanimously passed.

That House Bill No. 45, without objection, be moved to the bottom of the board.

That House Bill No. 290 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Himsl.
Total 1

Absent or not voting: None.
Total 0

That House Bill No. 397 pass consideration until Thursday, April 16, 1981. Unanimously passed.

That House Bill No. 469 be concurred in by the following vote:

Ayes: Anderson, Berg, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hazelbaker, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, Severson, Smith, Stephens, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 38

Noes: Aklestad, Hammond, Healy, Jacobson, Johnson, O'Hara, Olson, Regan, Ryan.
Total 9

Excused: Himsl.
Total 1

Absent or not voting: Blaylock, Stimatz.
Total 2

That House Bill No. 568 be concurred in by the following vote:

Ayes: Anderson, Berg, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Etchart, Galt, Goodover, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Jacobson, Johnson, Keating, Kolstad, Manning, Mazurek, McCallum, Norman, Ochsner, O'Hara, Olson, Regan, Severson, Stephens, Thomas, Towe, Van Valkenburg, Mr. President.
Total 37

Noes: Aklestad, Elliott, Manley, Nelson, Ryan, Smith, Story, Tveit.
Total 8

Excused: Himsl.
Total 1

Absent or not voting: Blaylock, Graham, Lee, Stimatz.
Total 4

That House Bill No. 620 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Himsl.
Total 1

Absent or not voting: None.
Total 0

That House Bill No. 854 be amended. Motion failed by the following vote:

Ayes: Anderson, Boylan, Crippen, Elliott, Hafferman, Keating, Manley, Mazurek, McCallum, Nelson, O'Hara, Olson.
Total 12

Noes: Aklestad, Berg, Blaylock, B. Brown, S. Brown, Conover, Dover, Eck, Etchart, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Jacobson, Johnson, Kolstad, Lee, Norman, Ochsner, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg.
Total 35

Excused: Himsl.
Total 1

Absent or not voting: Manning, Mr. President.
Total 2

That House Bill No. 854 be concurred in by the following vote:

Ayes: Aklestad, Berg, Blaylock, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Etchart, Galt, Graham, Haffey, Hager, Hammond, Hazelbaker, Healy, Jacobson, Johnson, Keating, Kolstad, Lee, Manning, McCallum, Norman, Ochsner, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Thomas, Towe, Tveit, Van Valkenburg.
Total 36

Noes: Elliott, Goodover, Hafferman, Manley, Mazurek, Nelson, O'Hara, Olson.
Total 8

Excused: Himsl.
Total 1

Absent or not voting: Anderson, Boylan, Halligan, Story, Mr. President.
Total 5

That House Bill No. 863 be concurred in by the following vote:

Ayes: Anderson, Berg, Blaylock, Boylan, S. Brown, Eck, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hammond, Hazelbaker, Healy, Jacobson, Keating, Manning, Mazurek, McCallum, Norman, Ochsner, Regan, Severson, Smith, Stephens, Stimatz, Towe, Van Valkenburg, Mr. President.
Total 30

Noes: Aklestad, Dover, Elliott, Johnson, Kolstad, Lee, Manley, Nelson, O'Hara, Olson, Ryan, Thomas, Tveit.
Total 13

Excused: Himsl.
Total 1

Absent or not voting: B. Brown, Conover, Crippen, Hager, Halligan, Story.
Total 6

That House Bill No. 864 be concurred in by the following vote:

Ayes: Anderson, Blaylock, Boylan, B. Brown, S. Brown, Crippen, Dover, Eck, Etchart, Galt, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Jacobson, Johnson, Keating, Kolstad, Lee, Manning, McCallum, Norman, Ochsner, O'Hara, Ryan, Stephens, Stimatz, Story, Thomas, Mr. President.
Total 33

Noes: Aklestad, Berg, Elliott, Goodover, Manley, Mazurek, Nelson, Olson, Regan, Severson, Towe, Tveit, Van Valkenburg.
Total 13

Excused: Himsl.
Total 1

Absent or not voting: Conover, Healy, Smith.
Total 3

That House Bill No. 865 be concurred in by the following vote:

Ayes: Anderson, Berg, Blaylock, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Etchart, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hazelbaker, Healy, Jacobson, Kolstad, Manning, Mazurek, McCallum, Norman, Ochsner, Regan, Stephens, Stimatz, Story, Thomas, Towe, Van Valkenburg, Mr. President.
Total 33

Noes: Aklestad, Elliott, Galt, Hammond, Johnson, Manley, Nelson, O'Hara, Olson, Ryan, Severson, Smith, Tveit.
Total 13

Excused: Himsl.
Total 1

Absent or not voting: Boylan, Keating, Lee.
Total 3

That House Bill No. 870 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Himsl.
Total 1

Absent or not voting: None.
Total 0

That the Committee rise and report. (Thomas, Chairman)

Upon motion of Senator Thomas, duly carried, the foregoing Report of the Committee of the Whole was adopted.

At the request of the President Pro Tempore, and without objection, the Senate reverted to Order of Business No. 2.

REPORTS OF STANDING COMMITTEES

BILLS (O'Hara, Chairman):
Signed by the Speaker of the House and President of the Senate, 4/14/81, at the hour of 3:15 p.m., delivered to the Governor for his approval - SB 150. Report adopted.

Signed by the Speaker of the House and President of the Senate, 4/14/81, at the hour of 3:45 p.m., delivered to the Governor for his approval - SB 30. Report adopted.

Correctly enrolled - SB 30, SB 41, SB 96, SB 139, SB 150, SB 244, SB 270, SB 272, SB 287, SB 288, SB 347, SB 460, SB 466, SB 480, SB 484, SJR 13, SJR 24, SJR 33. Report adopted.

I have examined Senate Bill No. 30 introduced by me and find the same to be correct. (Goodover)

I have examined Senate Bill No. 41 introduced by me and find the same to be correct. (Hafferman)

I have examined Senate Bill No. 96 introduced by me and find the same to be correct. (Van Valkenburg)

I have examined Senate Bill No. 139 introduced by me and find the same to be correct. (Dover)

I have examined Senate Bill No. 150 introduced by me and find the same to be correct. (Kolstad)

I have examined Senate Bill No. 244 introduced by me and find the same to be correct. (Graham)

I have examined Senate Bill No. 270 introduced by me and find the same to be correct. (Ryan)

I have examined Senate Bill No. 272 introduced by me and find the same to be correct. (Mazurek)

I have examined Senate Bill No. 287 introduced by me and find the same to be correct. (Manley)

I have examined Senate Bill No. 288 introduced by me and find the same to be correct. (S. Brown)

I have examined Senate Bill No. 347 introduced by me and find the same to be correct. (Galt)

I have examined Senate Bill No. 460 introduced by me and find the same to be correct. (Graham)

I have examined Senate Bill No. 466 introduced by me and find the same to be correct. (Graham)

I have examined Senate Bill No. 480 introduced by me and find the same to be correct. (Healy)

I have examined Senate Bill No. 484 introduced by me and find the same to be correct. (Severson)

I have examined Senate Joint Resolution No. 13 introduced by me and find the same to be correct. (S. Brown)

I have examined Senate Joint Resolution No. 24 introduced by me and find the same to be correct. (Jacobson)

I have examined Senate Joint Resolution No. 33 introduced by me and find the same to be correct. (Regan)

The Senate will please take note that the President did, at the hour of 3:00 p.m., 4/14/81, sign the following bills:

SB 30, SB 41, SB 96, SB 139, SB 150, SB 244, SB 270, SB 272, SB 287, SB 288, SB 347, SB 460, SB 466, SB 480, SB 484, HB 48, HB 58, HB 97, HB 152, HB 309, HB 329, HB 330, HB 364, HB 385, HB 507, HB 575, HB 578, HB 655, HB 662, HB 701, HB 702, HB 712, HB 724, HB 765, HB 773, HB 794, HB 806, HB 819, SJR 13, SJR 24, SJR 33, HJR 23, HJR 25, HJR 42.

Jean A. Turnage
President

FINANCE AND CLAIMS (Himsl, Chairman):
HB 810, third reading copy, be amended as follows:

1. Page 2, line 1.
Following: "Section 1"
Insert: "The money may not be spent until each of the other participating states fully fund its share of the agreement. If the money is not spent, it shall revert to the general fund."

And, as so amended, be concurred in. Report adopted.

TAXATION (Goodover, Chairman):
HB 609, third reading copy, be amended as follows:

1. Page 4, line 7.
Following: "resolution"
Insert: ", following a public hearing,"

And, as so amended, be concurred in. Report adopted.

HB 859, be concurred in. Report adopted.

REPORTS OF SELECT COMMITTEES

FREE CONFERENCE COMMITTEE ON SENATE BILL NO. 399
Report No. 1, April 14, 1981

MR. PRESIDENT AND SPEAKER OF THE HOUSE:

We, your Free Conference Committee on Senate Bill No. 399, met April 14, 1981, and considered:

House Local Government Committee Amendments to the third reading copy, dated March 23, 1981, and;

House Committee of the Whole Amendments to the third reading copy, dated March 28, 1981, and recommend as follows:

That the Senate accede to House Local Government Committee Amendment Nos. 1 through 8;

That the Senate accede to House Committee of the Whole Amendment No. 1;

That the reference copy of Senate Bill No. 399 be further amended as specified in CLERICAL INSTRUCTIONS NOS. 1 and 2;

That the reference copy of Senate Bill No. 399 read as specified in the CLERICAL INSTRUCTIONS:

And, that the Free Conference Committee Report to Senate Bill No. 399 be adopted.

CLERICAL INSTRUCTIONS:

1. Page 1, line 23.
Following: "TITLE 7,"
Insert: "chapter 5,"

2. Page 1, line 24.
Following: "THIS"
Strike: "ACT"

Insert: "section"

FOR THE SENATE:

Senator Manley, Chairman
Senator Boylan
Senator Turnage

FOR THE HOUSE:

Representative Seifert, Chairman
Representative Hannah
Representative Robbins

Report adopted.

FREE CONFERENCE COMMITTEE
ON HOUSE BILL NO. 200
Report No. 1, April 13, 1981

MR. PRESIDENT AND SPEAKER OF THE HOUSE:

We, your Free Conference Committee on House Bill No. 200, met April 13, 1981, and considered:

Senate Fish and Game Committee Amendments to the third reading copy, dated March 26, 1981, and;

Senate Committee of the Whole Amendments to the third reading copy, dated March 30, 1981, and recommend as follows:

That the House accede to Committee Amendment No. 1 and Nos. 4 through 14;

That the Senate recede from Committee Amendment No. 2;

That the Senate recede from Committee of the Whole Amendment No. 3;

That House Bill No. 200 be further amended as specified in CLERICAL INSTRUCTIONS NOS. 3 and 4;

And, that the Free Conference Committee Report to House Bill No. 200 be adopted.

CLERICAL INSTRUCTIONS:

1. Page 2, line 22.
Following: "~~$2~~"
Strike: "$3"
Insert: "$2"

2. Page 3, line 3.
Following: "~~$7~~"
Strike: "$6"
Insert: "$7"

3. Page 12, line 1.
Following: "a"
Strike: "$5"
Insert: "$2"

4. Page 15, line 12.
Following: "2"
Insert: ", 3,"

FOR THE SENATE:

Senator E. Smith, Chairman
Senator Severson
Senator Boylan

FOR THE HOUSE:

Representative Feda, Chairman
Representative Devlin
Representative Nilson

Report adopted.

MOTIONS

Senator B. Brown moved that House Bill No. 859 be taken from the Committee on Bills and Journal and rereferred to the Committee on Finance and Claims. Motion carried by the following vote:

Ayes: Berg, Blaylock, Boylan, B. Brown, S. Brown, Dover, Eck, Elliott, Graham, Haffey, Halligan, Hazelbaker, Healy, Jacobson, Johnson, Kolstad, Mazurek, Norman, Olson, Regan, Stephens, Stimatz, Story, Thomas, Towe, Mr. President.
Total 26

Noes: Aklestad, Crippen, Etchart, Galt, Goodover, Hafferman, Hager, Hammond, Lee, Manley, McCallum, Nelson, Ochsner, O'Hara, Severson, Smith, Tveit.
Total 17

Excused: Himsl.
Total 1

Absent or not voting: Anderson, Conover, Keating, Manning, Ryan, Van Valkenburg.
Total 6

Upon motion of Senator Stephens, duly carried, the Senate adjourned at 5:27 p.m. until Wednesday, April 15, at the hour of 1:30 p.m.

ALLEN C. KOLSTAD
President Pro Tempore of the Senate

JOHN W. LARSON
Secretary of the Senate

EIGHTY-FOURTH LEGISLATIVE DAY

Helena, Montana
April 15, 1981

Senate Chambers
Capitol Building

Senate convened at 1:30 p.m., President Turnage presiding. Invocation by the Chaplain. Pledge of Allegiance to the Flag.

Roll call. All members present except Himsl, Ryan, excused. Quorum present.

Mr. President: We, your Committee on Bills and Journal, having examined the daily journal for the Eighty-third Legislative Day, find the same to be correct.

O'HARA, Chairman

REPORTS OF STANDING COMMITTEES

TAXATION (Goodover, Chairman):
HB 834, be concurred in. Report adopted.
HB 834, Statement of Intent, be concurred in. Report adopted.

HJR 52, third reading copy, be amended as follows:

1. Page 2, line 5.
Following: "million"
Strike: remainder of text through "$2,646,000" on line 8

2. Page 3, line 6.
Following: "finds"
Strike: remainder of text through line 11
Insert: "that it is in the best interest of the state of Montana, the Department of Revenue, the taxpayers and local governments to settle on an appropriate and reasonable reduction of taxes on commercial and industrial property for the tax years 1978, 1979, and 1980 to avoid extensive and expensive litigation.

BE IT FURTHER RESOLVED, that the Department of Revenue is hereby encouraged to offer to settle each case pending and that the Legislature endorses all reasonable settlements reached by mutual agreement of the Department of Revenue and the taxpayer."

And, as so amended, be concurred in. Report adopted.

REPORTS OF SELECT COMMITTEES

FREE CONFERENCE COMMITTEE
ON SENATE BILL NO. 258
Report No. 1, April 14, 1981

MR. PRESIDENT AND SPEAKER OF THE HOUSE:

We, your Free Conference Committee on Senate Bill No. 258, met April 14, 1981, and considered:

House State Administration Committee Amendments to the third reading copy, dated March 27, 1981, and;

House Committee of the Whole Amendments to the third reading copy, dated March 30, 1981, and recommend as follows:

That the Senate accede to Standing Committee Amendment Nos. 1 through 13;

That the Senate accede to Committee of the Whole Amendment No. 1;

That the reference copy of Senate Bill No. 258 be further amended as specified in CLERICAL INSTRUCTIONS NOS. 1 and 2;

That the reference copy of Senate Bill No. 258 read as specified in the CLERICAL INSTRUCTIONS;

And, that the Free Conference Committee Report on Senate Bill No. 258 be adopted.

CLERICAL INSTRUCTIONS:

1. Title, line 4 on page 2.
Following: "TRANSFER;"
Insert: "TO REQUEST THAT THE GOVERNOR MAKE RECOMMENDATIONS TO THE MEMBERS OF THE 1983 LEGISLATURE;"

2. Page 72.
Following: line 12
Insert: "Section 8. Recommendation for transfer of functions from the department of state lands, the board of land commissioners, and the department and board of health and environmental sciences to the department and board of natural resources and conservation. The members of the 1981 legislature of Montana request that the governor of Montana submit recommendations to the members of the 1983 legislature concerning the transfers necessary in order to coordinate and facilitate the permitting process of those appropriate functions from the department of state lands and the board of land commissioners to the department of natural resources and conservation and from the department and board of health and environmental sciences to the department and board of natural resources and conservation."
Renumber: subsequent sections

FOR THE SENATE:	FOR THE HOUSE:
Senator Keating, Chairman	Representative Winslow, Chairman
Senator Dover	Representative Feda
Senator S. Brown	Representative Dussault

Report adopted.

FREE CONFERENCE COMMITTEE
ON SENATE BILL NO. 298
Report No. 1, April 14, 1981

MR. PRESIDENT AND SPEAKER OF THE HOUSE:

We, your Free Conference Committee on Senate Bill No. 298, met April 14, 1981, and considered:

House State Administration Committee Amendments to the third reading copy, dated March 23, 1981, and;

House Committee of the Whole Amendments to the third reading copy, dated March 30, 1981, and recommend as follows:

That the Senate accede to Committee Amendment Nos. 1 through 7, dated March 23, 1981;

That the Senate accede to House Committee of the Whole Amendment Nos. 1 and 2, dated March 30, 1981;

That the reference copy of Senate Bill No. 298 be further amended as specified in CLERICAL INSTRUCTIONS NOS. 1 through 4;

That the reference copy of Senate Bill No. 298 read as specified in the CLERICAL INSTRUCTIONS;

And, that the Free Conference Committee Report on Senate Bill No. 298 be adopted.

CLERICAL INSTRUCTIONS:

1. Page 1, line 13.
Following: "previously"
Insert: "and finally"

2. Page 1, line 14.
Following: "by"
Insert: "any vote of"

3. Page 1, line 15.
Following: "SESSIONS"
Insert: "prior to the adoption or proposed adoption of the rule"

4. Page 1, line 16.
Following: "unless"
Insert: "expressly"

FOR THE SENATE:

Senator Hazelbaker, Chairman
Senator Turnage
Senator Blaylock

FOR THE HOUSE:

Representative Stobie, Chairman
Representative Ryan
Representative Daily

Report adopted.

FREE CONFERENCE COMMITTEE
ON HOUSE BILL NO. 202
Report No. 1, April 13, 1981

MR. PRESIDENT AND SPEAKER OF THE HOUSE:

We, your Free Conference Committee on House Bill No. 202, met April 13, 1981, and considered:

Senate Local Government Amendments to the third reading copy, dated March 26, 1981, and March 11, 1981, and Senate Committee of the Whole Amendment to the third reading copy, dated March 31, 1981, and recommend as follows:

That the House accede to Senate Local Government Amendment Nos. 1 through 5, dated March 26, 1981, and Amendment No. 1, dated March 11, 1981;

That the Senate recede from Committee of the Whole Amendment No. 5;

That House Bill No. 202 be further amended as specified in the CLERICAL INSTRUCTIONS;

That the reference copy of House Bill No. 202 read as specified in the CLERICAL INSTRUCTIONS;

And, that the Free Conference Committee Report on House Bill No. 202 be adopted.

CLERICAL INSTRUCTIONS:

1. Page 4.
Following: line 17
Insert: "Section 2. Section 50-60-102, MCA, is amended to read:

"50-60-102. Applicability. (1) ~~Outside municipalities and their jurisdictional area, as defined by 50-60-101(9), parts 1 through 4 apply to "public places", as defined in 50-60-101(11)~~ The state building codes do not apply to residential buildings containing less than five dwelling units or their attached-to structures, any farm or ranch building, and any private garage or private storage structure used only for the owners own use, located within the municipality's or county's jurisdictional area, unless the local legislative body or board of county commissioners by ordinance or resolution makes the state building code applicable to these structures. The state may not enforce the state building code under 50-60-205 for the aforementioned buildings. Local governments that have made the state building codes applicable to the aforementioned buildings may enforce within their jurisdictional areas the state building code as adopted by the respective local government. The state may not enforce the state building code under 50-60-205 for those buildings.""

Subsections (2) and (3) remain without change.

FOR THE SENATE:

Senator Lee, Chairman
Senator Hammond
Senator Mazurek

FOR THE HOUSE:

Representative Sivertsen, Chairman
Representative Gould
Representative Jacobsen

Report adopted.

CONFERENCE COMMITTEE
ON SENATE AMENDMENTS TO HOUSE BILL NO. 390
Report No. 1, April 14, 1981

MR. PRESIDENT AND SPEAKER OF THE HOUSE:

We, your Conference Committee on House Bill No. 390, met April 14, 1981, and considered:

Senate Local Government Committee Amendments to the third reading copy, dated March 11, 1981, and;

Senate Committee of the Whole Amendments to the third reading copy, dated March 14, 1981, and recommend as follows:

That the House accede to Standing Committee Amendment Nos. 1 and 2, dated March 11, 1981;

That the Senate recede from all Committee of the Whole Amendments, dated March 14, 1981;

That the reference copy of House Bill No. 390 read as specified in the CLERICAL INSTRUCTIONS;

And, that the Conference Committee Report on House Bill No. 390 be adopted.

CLERICAL INSTRUCTIONS:

1. Title, line 5.
Following: "~~PUBLIC~~"
Strike: "PUBLIC"

Insert: "PUBLICLY OWNED"

2. Page 2, line 5.
Following: "~~OWNED~~"
Insert: "publicly owned"

3. Page 2, lines 5 and 6.
Following: "building"
Strike: ", WHETHER OR NOT PUBLICLY OWNED,"

4. Page 2, lines 7 and 8.
Following: "place"
Strike: "PROVIDED THE OWNER OR OWNERS OR OTHER PERSONS IN CHARGE CONSENT TO SUCH USE"

FOR THE SENATE:

Senator McCallum, Chairman
Senator Hammond
Senator Thomas

FOR THE HOUSE:

Representative Winslow, Chairman
Representative Ryan
Representative Holliday

Report adopted.

FREE CONFERENCE COMMITTEE
ON HOUSE BILL NO. 761
Report No. 1, April 14, 1981

MR. PRESIDENT AND SPEAKER OF THE HOUSE:

We, your Free Conference Committee on House Bill No. 761, met April 14, 1981, and considered:

Senate Committee on Judiciary Amendments dated March 24, 1981, and recommend as follows:

Having had under consideration Senate Committee on Judiciary Amendments dated March 24, 1981;

That the House accede to all these amendments;

And further, that House Bill No. 761, reference copy, be amended as follows:

1. Amend Page 2, line 12.
Following: "MAIL"
Insert: "with return receipt requested"

And, that the Free Conference Committee Report on House Bill No. 761 be adopted.

FOR THE SENATE:

Senator Crippen, Chairman
Senator J. O'Hara
Senator Mazurek

FOR THE HOUSE:

Representative Fabrega, Chairman
Representative Meyer
Representative Vincent

Report adopted.

MESSAGES FROM THE GOVERNOR

April 14, 1981

The Honorable Jean A. Turnage
President of the Senate
State Capitol
Helena, Montana 59620

Dear Mr. President:

This is to inform you that I have signed the following measures this date:

Senate Bill Nos. 141, 9, 231, 390, 212, 434, 414, 370, 37, 74, 428, 239, 176, 391.

Sincerely,

TED SCHWINDEN
Governor

April 14, 1981

The Honorable Jean A. Turnage
President of the Senate
State Capitol
Helena, Montana 59620

The Honorable Robert L. Marks
Speaker of the House
State Capitol
Helena, Montana 59620

Dear Senator Turnage and Representative Marks:

In accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby return House Bill No. 389, "AN ACT PROVIDING FOR ANNUAL OR QUARTERLY REGISTRATION OF MOTOR VEHICLES OWNED BY NONRESIDENTS TEMPORARILY EMPLOYED IN MONTANA; SUBJECTING SUCH VEHICLES TO TAXATION; AND ESTABLISHING WINDOW DECALS AS THE FORM OF LICENSE EVIDENCING QUARTERLY REGISTRATION; AMENDING SECTIONS 15-24-301, 15-24-302, 61-3-701, AND 61-3-703, MCA," without my signature and recommend the attached amendments.

Because of the possibility of enactment of a motor vehicle fee system bill, it is necessary to provide for coordination with such a bill. This is accomplished by the addition of a coordination section.

Additionally, the language establishing a quarterly decal system was inserted in Section 61-3-701, MCA, by this bill. This section deals with motor vehicles used for hire, compensation or profit rather than with motor vehicles used for transportation by nonresidents temporarily working in Montana. Consequently, it would be more appropriate to place the new language in its own section, and this is accomplished by the attached amendments.

I urge your concurrence in these amendments.

Sincerely,

TED SCHWINDEN
Governor

PROPOSED GOVERNOR'S AMENDMENTS TO HOUSE BILL NO. 389

1. Title, line 7.
Following: line 6
Strike: "SUCH"
Insert: "CERTAIN OF THESE"

2. Title, line 9.
Following: "15-24-302,"
Strike: "61-3-701,"

3. Page 3, line 23 through page 5, line 22.
Strike: Section 3 in its entirety
Insert: "NEW SECTION. Section 3. Foreign vehicles used for transportation in connection with employment. (1) Before a motor vehicle taxed pursuant to 15-24-301(4) may be operated in Montana for a calendar quarter, the person responsible for payment of taxes must apply for and obtain a window decal.

(2) Decals must be color-coded to distinguish the four quarterly registration periods of the year.

(3) An applicant may purchase a decal for more than one registration quarter at a time by paying the appropriate amount.

(4) There is a $2 fee for each decal, and money collected from this fee shall be deposited to the county general fund. The $2 fee is in addition to the tax.

(5) A current window decal must be displayed on the lower right-hand corner of the windshield.

4. Page 6, line 7.
Following: line 6
Insert: "Section 5. Codification instruction. Section 3 is intended to be codified as an integral part of Title 61, chapter 3, part 7 and the provisions of Title 61, chapter 3, part 7 apply to section 3.

Section 6. Coordination. If SB 355, providing a license fee system for light vehicles, is passed and approved then section 1 of this act is void and section 15-24-301, MCA, is amended to read:

"15-24-301. Personal property brought into the state — assessment — exceptions — custom combine equipment. (1) Property in the following cases is subject to taxation and assessment for all taxes levied that year in the county in which it is located:

(a) any personal property (including livestock) brought, driven, or coming into this state at any time during the year that is used in the state for hire, compensation, or profit;

(b) property whose owner or user is engaged in gainful occupation or business enterprise in the state; or

(c) property which comes to rest and becomes a part of the general property of the state.

(2) The taxes on this property are levied in the same manner and to the same extent, except as otherwise provided, as though the property had been in the county on the regular assessment date, provided that the property has not been regularly assessed for the year in some other county of the state.

(3) Nothing in this section shall be construed to levy a tax against a merchant or dealer within this state on goods, wares, or merchandise brought into the county to replenish the stock of the merchant or dealer in addition to the tax levied against the inventory of said merchant or dealer on the regular assessment date.

(4) Any motor vehicle not subject to the light vehicle license fee brought, driven, or coming into this state by any nonresident person

temporarily employed in Montana and used exclusively for transportation of such person is subject to taxation and assessment for taxes as follows:

(a) The motor vehicle is taxed by the county in which it is located.

(b) One-fourth of the annual tax liability of the motor vehicle must be paid for each quarter or portion of a quarter of the year that the motor vehicle is located in Montana.

(c) The quarterly taxes are due the first day of the quarter.

(5) Agricultural harvesting machinery classified under class eight, licensed in other states, and operated on the lands of persons other than the owner of the machinery under contracts for hire shall be subject to a fee in lieu of taxation of $35 per machine for a 60-day period. The machines shall be subject to taxation under class eight only if they are sold in Montana.""

April 14, 1981

The Honorable Jean A. Turnage
President of the Senate
State Capitol
Helena, Montana 59620

The Honorable Robert L. Marks
Speaker of the House
State Capitol
Helena, Montana 59620

Dear Senator Turnage and Representative Marks:

In accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby return House Bill No. 367, "AN ACT TO INSURE THAT STATUTES THAT IMPOSE NEW DUTIES ON SCHOOL DISTRICTS PROVIDE A SPECIFIC MEANS OF FINANCING," without my signature and recommend the attached amendment.

Subsection 3 of the bill provides that the trustees of a school district may appeal to the board of public education for relief from complying with a law which does not comply with the provisions of the bill. It further vests the board of public education with the authority to grant noncompliance relief upon finding that compliance with the law would require a substantial expenditure by the school district and that the law fails to meet the funding requirements of the bill.

Making a determination whether one law meets other legal requirements and granting relief from the obligations of a statute is a judicial function. Under Montana's Constitution, judicial powers are vested in the judiciary. A provision such as this, which purports to vest judicial power in an agency, is a nullity under Article III, Section 1, Separation of Powers.

Deleting subsection 3 remedies the Constitutional problem yet leaves the substance of the bill intact.

I urge your concurrence in this amendment.

Sincerely,

TED SCHWINDEN

Governor

PROPOSED GOVERNOR'S AMENDMENT TO HOUSE BILL NO. 367

1. Page 2, line 5 through line 21.
Strike: subsection 3 in its entirety
Renumber: subsequent subsections

April 14, 1981

The Honorable Jean Turnage
President of the Senate
Montana State Senate
State Capitol
Helena, Montana 59620

Dear Senator Turnage:

Section 90-4-303 M.C.A. establishes the legislative energy policy committee. This committee is to be consulted on any matters concerning energy shortages in Montana. My office cannot take any formal action to respond to a shortage without first consulting the energy policy committee.

The composition of the energy policy committee is also contained in 90-4-303. The committee is to consist of the President of the Senate and the floor leader of the opposite party in the Senate and the Speaker and minority leader of the House of Representatives. Each leadership member is to designate one additional member.

The energy policy committee is to be formed within 15 days following the close of each session. This letter is my request to be informed of the committee membership as soon as it is formed.

Sincerely,

TED SCHWINDEN
Governor

April 15, 1981

The Honorable Jean Turnage
President of the Senate
Montana State Senate
State Capitol
Helena, Montana 59620

Dear Senator Turnage:

This letter is to inform you that I am appointing Mr. Gary Buchanan as the Director of the Department of Commerce, in accordance with Senate Bill 432, Chapter 274, Session Laws of 1981.

Mr. Buchanan will assume the duties of the office upon my issuing an executive order implementing the provisions of Senate Bill 432 or on July 1, 1981, whichever occurs earlier.

He will serve at the pleasure of the Governor.

Sincerely,

TED SCHWINDEN
Governor

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The House on 4/14/81, dissolved the Conference Committee, and the Speaker was authorized to appoint a new Conference Committee. The House respectfully requests the Senate to appoint a like committee to confer on Senate Amendments to House Bill No. 33.

The Speaker appointed the following members:

Representative Bertelsen, Chairman
Representative Stobie
Representative Azzara

The House on 4/14/81, dissolved the Conference Committee, and the Speaker was authorized to appoint a Free Conference Committee. The House respectfully requests the Senate to appoint a like committee to confer on Senate Amendments to House Bill No. 71.

The Speaker appointed the following members:

Representative Donaldson, Chairman
Representative Lory
Representative Keedy

The House on 4/14/81, authorized the Speaker to appoint a Free Conference Committee on Senate Amendments to House Bill No. 209.

The Speaker appointed the following members:

Representative Keyser, Chairman
Representative Hannah
Representative Brown

The House on 4/14/81, dissolved the Conference Committee, and the Speaker was authorized to appoint a Free Conference Committee. The House respectfully requests the Senate to appoint a like committee to confer on Senate Bill No. 376.

The Speaker appointed the following members:

Representative Mueller, Chairman
Representative Burnett
Representative Brown

The House on 4/14/81, dissolved the Free Conference Committee on House Bill No. 713 and no further action will be taken on Senate Amendments to House Bill No. 713.

The following Senate Bill was on 4/15/81, not concurred in on Second Reading, and returned to the Senate:

Senate Bill No. 431, introduced by Hager

The House on 4/15/81, dissolved the Conference Committee, and the Speaker was authorized to appoint a Free Conference Committee. The House respectfully requests the Senate to appoint a like committee to confer on Senate Bill No. 50.

The Speaker appointed the following members:

Representative Sales, Chairman
Representative Vinger
Representative Dussault

The House on 4/15/81, authorized the Speaker to appoint a Free Conference Committee on House Amendments to Senate Bill No. 221.

The Speaker appointed the following members:

Representative Sales, Chairman
Representative Vinger
Representative Kessler

The House on 4/15/81, authorized the Speaker to appoint a Free Conference Committee on House Amendments to Senate Bill No. 257.

The Speaker appointed the following members:

Representative Donaldson, Chairman
Representative Hanson
Representative Kanduch

The House on 4/15/81, dissolved the Conference Committee, and the Speaker was authorized to appoint a Free Conference Committee on Senate Bill No. 238.

The Speaker appointed the following members:

Representative Eudaily, Chairman
Representative Conn
Representative Daily

The House on 4/15/81, dissolved the Conference Committee, and the Speaker was authorized to appoint a Free Conference Committee on Senate Bill No. 286.

The Speaker appointed the following members:

Representative Seifert, Chairman
Representative Curtiss
Representative Yardley

The House on 4/15/81, authorized the Speaker to appoint a Free Conference Committee on House Amendments to Senate Bill No. 399.

The Speaker appointed the following members:

Representative Seifert, Chairman
Representative Hannah
Representative Robbins

The House on 4/15/81, authorized the Speaker to appoint a Free Conference Committee on Governor's Amendments to House Bill No. 286.

The Speaker appointed the following members:

Representative Fabrega, Chairman
Representative Jensen
Representative Metcalf

The House on 4/15/81, dissolved the Conference Committee, and the Speaker was authorized to appoint a Free Conference Committee. The House respectfully requests the Senate to appoint a like committee to confer on Senate Amendments to House Bill No. 692.

The Speaker appointed the following members:

Representative Meyer, Chairman
Representative Bergene
Representative Pavlovich

MOTIONS

Senator Stephens moved, duly carried, that the Senate recess at the hour of 1:47 p.m. until the hour of 2:30 p.m.

Senator Stephens moved, duly carried, that the President be authorized to appoint a Free Conference Committee to confer on the Governor's Amendments to House Bill No. 286.

The President appointed the following committee:

Senator Lee, Chairman
Senator Kolstad
Senator Boylan

Senator Stephens moved, duly carried, that the Conference Committee appointed to confer on Senate Amendments to House Bill No. 71 be dissolved and that the President be authorized to appoint a Free Conference Committee.

The President appointed the following committee:

Senator Story, Chairman
Senator S. Brown
Senator Mazurek

Senator Stephens moved, duly carried, that the Conference Committee appointed to confer on House Amendments to Senate Bill No. 238 be dissolved and that the President be authorized to appoint a Free Conference Committee.

The President appointed the following committee:

Senator Story, Chairman
Senator Mazurek
Senator Towe

Senator Stephens moved, duly carried, that the Conference Committee appointed to confer on House Amendments to Senate Bill No. 286 be dissolved and that the President be authorized to appoint a Free Conference Committee.

The President appointed the following committee:

Senator Anderson, Chairman
Senator O'Hara
Senator Van Valkenburg

Senator Stephens moved, duly carried, that the Conference Committee appointed to confer on House Amendments to Senate Bill No. 50 be dissolved and that the President be authorized to appoint a Free Conference Committee.

The President appointed the following committee:

Senator McCallum, Chairman
Senator Ochsner
Senator Thomas

Senator Johnson moved, duly carried, that the Senate reconsider its action taken in adopting the Conference Committee Report on Senate Amendments to House Bill No. 161, and that the same be taken from Second Reading this day, and the Conference Committee dissolved.

Senator Stephens moved, duly carried, that the President be authorized to appoint a Free Conference Committee to confer on Senate Amendments to House Bill No. 161.

The President appointed the following committee:

Senator Johnson, Chairman
Senator Kolstad
Senator Towe

Senator Manning moved that the Joint Rules of the Forty-seventh Legislative Session be temporarily suspended in order to allow the receipt into the Senate of a bill that would continue the duration of the Coal Board Oversight Committee. Motion carried by the following vote:

Ayes: Aklestad, Anderson, Berg, Boylan, B. Brown, S. Brown, Conover, Crippen, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Halligan, Hammond, Hazelbaker, Healy, Jacobson, Johnson, Keating, Kolstad, Lee, Manning, Mazurek, Nelson, Norman, Ochsner, O'Hara, Olson, Ryan, Smith, Stephens, Stimatz, Story, Thomas, Tveit, Van Valkenburg, Mr. President.
Total 40

Noes: None.
Total 0

Excused: Himsl.
Total 1

Absent or not voting: Blaylock, Dover, Haffey, Hager, Manley, McCallum, Regan, Severson, Towe.
Total 9

Senator Stephens moved that the Joint Rules of the Forty-seventh Legislative Session be temporarily suspended in order to permit receipt of House Bill Nos. 261, 460, 478, 603, 841, 847, 871 and 872. Motion carried by the following vote:

Ayes: Anderson, Berg, Blaylock, B. Brown, S. Brown, Conover, Crippen, Dover, Etchart, Galt, Goodover, Graham, Halligan, Hammond, Hazelbaker, Healy, Jacobson, Johnson, Keating, Lee, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Smith, Stephens, Stimatz, Story, Thomas, Tveit, Van Valkenburg, Mr. President.
Total 38

Noes: Aklestad, Elliott, Hafferman, Kolstad.
Total 4

Excused: Himsl.
Total 1

Absent or not voting: Boylan, Eck, Haffey, Hager, Manley, Severson, Towe.
Total 7

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

House Bill No. 290 was concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman,

Haffey, Halligan, Hammond, Hazelbaker, Healy, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 46

Noes: None.
Total 0

Excused: Himsl.
Total 1

Absent or not voting: Boylan, Hager, Severson.
Total 3

House Bill No. 469 was concurred in by the following vote:

Ayes: Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Etchart, Galt, Goodover, Graham, Haffey, Halligan, Hazelbaker, Healy, Johnson, Keating, Kolstad, Lee, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 37

Noes: Aklestad, Elliott, Hafferman, Hammond, Jacobson, Manley, O'Hara, Olson, Regan, Ryan.
Total 10

Excused: Himsl.
Total 1

Absent or not voting: Hager, Severson.
Total 2

House Bill No. 568 was concurred in by the following vote:

Ayes: Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Halligan, Hammond, Hazelbaker, Healy, Jacobson, Johnson, Keating, Kolstad, Lee, Manning, Mazurek, McCallum, Norman, Ochsner, O'Hara, Olson, Regan, Stephens, Stimatz, Thomas, Towe, Van Valkenburg, Mr. President.
Total 39

Noes: Aklestad, Elliott, Manley, Nelson, Ryan, Smith, Story, Tveit.
Total 8

Excused: Himsl.
Total 1

Absent or not voting: Hager, Severson.
Total 2

House Bill No. 620 was concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Halligan, Hammond, Hazelbaker, Healy, Jacobson, Johnson, Keating, Kolstad, Lee, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Regan, Ryan, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 44

Noes: Blaylock, Manley, Olson.

Total 3

Excused: Himsl.
Total 1

Absent or not voting: Hager, Severson.
Total 2

House Bill No. 854 was concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Etchart, Galt, Graham, Hafferman, Haffey, Halligan, Hammond, Hazelbaker, Healy, Jacobson, Johnson, Kolstad, Lee, McCallum, Norman, Ochsner, Regan, Ryan, Smith, Stephens, Stimatz, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 35

Noes: Boylan, Elliott, Goodover, Keating, Manley, Mazurek, Nelson, O'Hara, Olson, Story.
Total 10

Excused: Himsl.
Total 1

Absent or not voting: Blaylock, Hager, Manning, Severson.
Total 4

House Bill No. 863 was concurred in by the following vote:

Ayes: Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Crippen, Eck, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Halligan, Hazelbaker, Healy, Jacobson, Keating, Kolstad, Manning, Mazurek, McCallum, Norman, Ochsner, Regan, Stephens, Stimatz, Van Valkenburg, Mr. President.
Total 30

Noes: Aklestad, Dover, Elliott, Hammond, Johnson, Lee, Manley, Nelson, O'Hara, Olson, Ryan, Smith, Story, Thomas, Tveit.
Total 15

Excused: Himsl.
Total 1

Absent or not voting: Conover, Hager, Severson, Towe.
Total 4

House Bill No. 864 was concurred in by the following vote:

Ayes: Aklestad, Anderson, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Jacobson, Johnson, Keating, Kolstad, Lee, Manning, McCallum, Nelson, Norman, Ochsner, O'Hara, Smith, Stephens, Stimatz, Story, Thomas, Van Valkenburg, Mr. President.
Total 40

Noes: Berg, Manley, Mazurek, Olson, Regan, Ryan, Towe, Tveit.
Total 8

Excused: Himsl.
Total 1

Absent or not voting: Severson.
Total 1

House Bill No. 865 was concurred in by the following vote:

Ayes: Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Jacobson, Keating, Kolstad, Manning, Mazurek, McCallum, Norman, Ochsner, O'Hara, Regan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Van Valkenburg, Mr. President.
Total 40

Noes: Aklestad, Elliott, Johnson, Lee, Manley, Nelson, Olson, Ryan.
Total 8

Excused: Himsl.
Total 1

Absent or not voting: Tveit.
Total 1

House Bill No. 870 was concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: Elliott.
Total 1

Excused: Himsl.
Total 1

Absent or not voting: None.
Total 0

At the request of the President, and without objection, the Senate reverted to Order of Business No. 8.

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator B. Brown in the Chair.

Senate resumed. President Turnage in the Chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on Second Reading, recommend as follows:

That the Free Conference Committee Report on House Bill No. 642, without objection, be moved to the top of the board.

That House Bill No. 42, without objection, be moved to the bottom of the board.

That the Free Conference Committee Report on House Bill No. 642 be adopted by the following vote:

Ayes: Aklestad, Anderson, B. Brown, Crippen, Dover, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Hammond, Healy, Jacobson, Johnson, Keating, Kolstad, Lee, Manning, McCallum, Nelson, Ochsner, O'Hara, Ryan, Severson, Stephens, Stimatz, Story, Tveit.

Total 31

Noes: Berg, S. Brown, Conover, Eck, Halligan, Mazurek, Norman, Olson, Regan, Towe, Van Valkenburg.
Total 11

Excused: Himsl.
Total 1

Absent or not voting: Blaylock, Boylan, Hazelbaker, Manley, Smith, Thomas, Mr. President.
Total 7

That House Joint Resolution No. 20 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Himsl.
Total 1

Absent or not voting: None.
Total 0

That House Joint Resolution No. 26, without objection, be moved below House Joint Resolution No. 62.

That House Joint Resolution No. 51 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Himsl.
Total 1

Absent or not voting: None.
Total 0

That House Joint Resolution No. 59 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy,

Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Himsl.
Total 1

Absent or not voting: None.
Total 0

That House Joint Resolution No. 62 be concurred in by the following vote:

Ayes: Berg, Boylan, B. Brown, Conover, Dover, Eck, Elliott, Goodover, Graham, Hafferman, Halligan, Hammond, Hazelbaker, Jacobson, Kolstad, Manning, Mazurek, Norman, O'Hara, Severson, Stimatz, Towe, Van Valkenburg.
Total 23

Noes: Aklestad, Johnson, Keating, Manley, McCallum, Nelson, Ochsner, Olson, Smith.
Total 9

Excused: Himsl.
Total 1

Absent or not voting: Anderson, Blaylock, S. Brown, Crippen, Etchart, Galt, Haffey, Hager, Healy, Lee, Regan, Ryan, Stephens, Story, Thomas, Tveit, Mr. President.
Total 17

That House Joint Resolution No. 26 be amended. Motion failed by the following vote:

Ayes: Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Eck, Graham, Halligan, Healy, Jacobson, Mazurek, Regan, Severson, Stimatz, Towe, Mr. President.
Total 18

Noes: Aklestad, Dover, Elliott, Etchart, Goodover, Hafferman, Hager, Hazelbaker, Johnson, Keating, Kolstad, Lee, Manley, McCallum, Ochsner, O'Hara, Olson, Smith, Story, Thomas, Tveit.
Total 21

Excused: Himsl.
Total 1

Absent or not voting: Anderson, Galt, Haffey, Hammond, Manning, Nelson, Norman, Ryan, Stephens, Van Valkenburg.
Total 10

That House Joint Resolution No. 26 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan,

Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Himsl.
Total 1

Absent or not voting: None.
Total 0

That House Amendments to Senate Bill No. 409 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Himsl.
Total 1

Absent or not voting: None.
Total 0

That House Amendments to Senate Bill No. 422 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Himsl.
Total 1

Absent or not voting: None.
Total 0

That House Amendments to Senate Joint Resolution No. 25 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan,

Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Himsl.
Total 1

Absent or not voting: None.
Total 0

That House Amendments to Senate Joint Resolution No. 27 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Himsl.
Total 1

Absent or not voting: None.
Total 0

That House Amendments to Senate Joint Resolution No. 29 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Himsl.
Total 1

Absent or not voting: None.
Total 0

That the Conference Committee Report on Senate Bill No. 152 be adopted by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan,

Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Himsl.
Total 1

Absent or not voting: None.
Total 0

That the Free Conference Committee Report on Senate Bill No. 253, without objection, be moved to the bottom of the board.

That the Conference Committee Report on House Bill No. 26, without objection, be moved to the bottom of the board.

That the Conference Committee Report on House Bill No. 135 be adopted by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: Mazurek.
Total 1

Excused: Himsl.
Total 1

Absent or not voting: None.
Total 0

That the Conference Committee Report on House Bill No. 270 be adopted by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Himsl.
Total 1

Absent or not voting: None.
Total 0

That the Free Conference Committee Report on House Bill No. 336 be adopted by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Himsl.
Total 1

Absent or not voting: None.
Total 0

That House Bill No. 45 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Himsl.
Total 1

Absent or not voting: None.
Total 0

That House Bill No. 27 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Himsl.
Total 1

Absent or not voting: None.
Total 0

That House Bill No. 580, without objection, be placed at the bottom of the board.

That House Bill No. 609 pass consideration. Unanimously passed.

That House Bill No. 674 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Himsl.
Total 1

Absent or not voting: None.
Total 0

That House Bill No. 810 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Etchart, Galt, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Jacobson, Johnson, Keating, Kolstad, Lee, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 46

Noes: Elliott, Goodover, Manley.
Total 3

Excused: Himsl.
Total 1

Absent or not voting: None.
Total 0

That House Bill No. 828 pass consideration. Unanimously passed.

That House Bill No. 851 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Himsl.
Total 1

Absent or not voting: None.
Total 0

Senator B. Brown relinquished the Chair.

Senator Etchart assumed the Chair.

That House Joint Resolution No. 46 be amended as follows:

That the following amendments of the Senate Standing Committee on Education and Cultural Resources, dated April 14, 1981, be stricken:

1. Title, line 10.
Strike: "THE LEGISLATIVE FINANCE"
Insert: "AN APPROPRIATE INTERIM"

2. Page 2, line 10.
Strike: "THE LEGISLATIVE FINANCE"
Insert: "an appropriate interim"

Amendments passed by the following vote:

Ayes: Anderson, Blaylock, S. Brown, Conover, Crippen, Dover, Etchart, Goodover, Hafferman, Haffey, Hammond, Hazelbaker, Healy, Jacobson, Johnson, Keating, Kolstad, Lee, Manning, Mazurek, McCallum, Nelson, Ochsner, O'Hara, Olson, Regan, Smith, Stephens, Thomas, Tveit, Mr. President.
Total 31

Noes: Aklestad, Berg, B. Brown, Eck, Elliott, Galt, Graham, Hager, Halligan, Manley, Ryan, Severson, Story, Towe, Van Valkenburg.
Total 15

Excused: Himsl.
Total 1

Absent or not voting: Boylan, Norman, Stimatz.
Total 3

Senator Etchart relinquished the Chair.

Senator B. Brown assumed the Chair.

That House Joint Resolution No. 46, as amended, be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Himsl.
Total 1

Absent or not voting: None.
Total 0

That House Joint Resolution No. 63 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Severson,

Smith, Stephens, Stimatz, Story, Thomas, Tveit, Van Valkenburg, Mr. President.
Total 47

Noes: Ryan, Towe.
Total 2

Excused: Himsl.
Total 1

Absent or not voting: None.
Total 0

That House Amendments to Senate Bill No. 17 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Himsl.
Total 1

Absent or not voting: None.
Total 0

That House Amendments to Senate Bill No. 19 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Himsl.
Total 1

Absent or not voting: None.
Total 0

That House Amendments to Senate Bill No. 77 pass consideration. Unanimously passed.

That the Free Conference Committee Report on Senate Bill No. 320 be adopted by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy,

Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Himsl.
Total 1

Absent or not voting: None.
Total 0

That the Free Conference Committee Report on Senate Bill No. 399 pass consideration. Unanimously passed.

That the Free Conference Committee Report on House Bill No. 200 be adopted by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: Goodover.
Total 1

Excused: Himsl.
Total 1

Absent or not voting: None.
Total 0

That the Free Conference Committee Report on House Bill No. 488 be adopted by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Himsl.
Total 1

Absent or not voting: None.
Total 0

That House Bill No. 42 pass consideration. Unanimously passed.

That the Free Conference Committee Report on Senate Bill No. 253 be adopted by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Himsl.
Total 1

Absent or not voting: None.
Total 0

That the Conference Committee Report on House Bill No. 26 be adopted by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: Towe.
Total 1

Excused: Himsl.
Total 1

Absent or not voting: None.
Total 0

That House Bill No. 580 be amended as follows:

That all amendments of the Senate Standing Committee on State Administration of April 14, 1981, be stricken, with the following exception:

12. Page 3, line 10.
Following: "grade"
Strike: "8"
Insert: "9"

Amendment passed by the following vote:

Ayes: Anderson, Berg, Blaylock, S. Brown, Conover, Eck, Elliott, Galt, Graham, Haffey, Hager, Halligan, Hazelbaker, Healy, Jacobson, Keating, Kolstad, Manning, Mazurek, McCallum, Norman, Regan, Severson, Stephens, Stimatz, Story, Thomas, Towe, Van Valkenburg, Mr. President.
Total 30

Noes: Aklestad, Boylan, Crippen, Dover, Etchart, Goodover, Hafferman, Hammond, Johnson, Lee, Nelson, Ochsner, Olson, Ryan, Tveit.
Total 15

Excused: Himsl.
Total 1

Absent or not voting: B. Brown, Manley, O'Hara, Smith.
Total 4

That House Bill No. 580, as amended, be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Himsl.
Total 1

Absent or not voting: None.
Total 0

That the Committee rise and report. (B. Brown, Chairman)

Upon motion of Senator B. Brown, duly carried, the foregoing Report of the Committee of the Whole was adopted.

At the request of the President, and without objection, the Senate reverted to Order of Business No. 2.

REPORTS OF STANDING COMMITTEES

BILLS (O'Hara, Chairman):
Correctly enrolled - SB 107, SB 115, SB 300, SB 305, SB 335, SB 341, SB 381, SB 392, SB 442, SB 449, SB 458, SB 463, SB 479, SJR 2, SJR 8, SJR 30. Report adopted.

Signed by the Speaker of the House and President of the Senate, 4/15/81, at the hour of 4:15 p.m., delivered to the Governor for his approval - SB 41, SB 96, SB 139, SB 244, SB 270, SB 272, SB 287, SB 288, SB 347, SB 460, SB 466, SB 480, SB 484. Report adopted.

I have examined Senate Bill No. 115 introduced by me and find the same to be correct. (McCallum)

I have examined Senate Bill No. 107 introduced by me and find the same to be correct. (McCallum)

I have examined Senate Bill No. 300 introduced by me and find the same to be correct. (Kolstad)

I have examined Senate Bill No. 305 introduced by me and find the same to be correct. (Stephens)

I have examined Senate Bill No. 335 introduced by me and find the same to be correct. (Hazelbaker)

I have examined Senate Bill No. 341 introduced by me and find the same to be correct. (Mazurek)

I have examined Senate Bill No. 381 introduced by me and find the same to be correct. (Stephens)

I have examined Senate Joint Resolution No. 30 introduced by me and find the same to be correct. (Aklestad)

I have examined Senate Joint Resolution No. 8 introduced by me and find the same to be correct. (Keating)

I have examined Senate Joint Resolution No. 2 introduced by me and find the same to be correct. (Van Valkenburg)

I have examined Senate Bill No. 479 introduced by me and find the same to be correct. (Crippen)

I have examined Senate Bill No. 463 introduced by me and find the same to be correct. (S. Brown)

I have examined Senate Bill No. 458 introduced by me and find the same to be correct. (Blaylock)

I have examined Senate Bill No. 449 introduced by me and find the same to be correct. (Turnage)

I have examined Senate Bill No. 442 introduced by me and find the same to be correct. (S. Brown)

I have examined Senate Bill No. 392 introduced by me and find the same to be correct. (S. Brown)

The Senate will please take note that the President did, at the hour of 4:30 p.m., 4/15/81, sign the following bills:

SB 107, SB 115, SB 300, SB 305, SB 335, SB 341, SB 381, SB 392, SB 442, SB 449, SB 458, SB 463, SB 479, HB 13, HB 36, HB 223, HB 237, HB 300 HB 415, HB 480, HB 617, HB 621, HB 654, HB 675, HB 683, HB 725, HB 731, HB 740, HB 763, HB 832, HB 837, SJR 2, SJR 8, SJR 30.

Jean A. Turnage
President

HIGHWAYS AND TRANSPORTATION (Etchart, Chairman):

HJR 56, be concurred in. Report adopted.

Minority Report

Thereupon, the Minority Committee Report was adopted by the following roll call vote:

Ayes: Aklestad, Anderson, Boylan, B. Brown, Crippen, Eck, Elliott, Etchart, Halligan, Hammond, Keating, Kolstad, Lee, Manley, Mazurek, Nelson, Norman, Ochsner, Olson, Regan, Ryan, Severson, Smith, Stimatz, Tveit, Mr. President.
Total 26

Noes: Berg, S. Brown, Conover, Dover, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Hazelbaker, Healy, Jacobson, Johnson, Manning, McCallum, Stephens, Story, Thomas, Towe, Van Valkenburg.
Total 21

Excused: Himsl.
Total 1

Absent or not voting: Blaylock, O'Hara.
Total 2

Minority Committee members are:

Senator Etchart
Senator Elliott
Senator Tveit

HJR 56, be not concurred in.

Majority Report

Majority Committee members are:

Senator Hager
Senator Hazelbaker
Senator Manning
Senator Healy

Report not adopted.

FINANCE AND CLAIMS (Etchart, Vice-Chairman):
HB 676, third reading copy, be amended as follows:

1. Title, line 7.
Following: line 6
Strike: "ELIMINATE"
Insert: "MODIFY"

2. Title, line 10.
Following: "~~CITATIONS;~~"
Insert: "REQUIRING THAT FUNDING FOR THE PROGRAM BE FROM FINES AND FORFEITURES OF HIGHWAY PATROL ISSUED CITATIONS;"

3. Title, line 11.
Following: "REPEALING"
Insert: "AMENDING"

4. Title, lines 11 and 12.
Following: "MCA" on line 11
Strike: "; AND PROVIDING AN EFFECTIVE DATE"

5. Page 2, lines 2 through 5.
Strike: lines 2 through 5 in their entirety
Insert: "Section 1. Section 53-9-109, MCA, is amended to read:

"53-9-109. Crime victims compensation account. There is a crime victims compensation account in the agency fund. There shall be paid into this account ~~6%~~ 18% of the fines assessed and bails forfeited on all offenses involving a violation of chapter 3, part 1 of chapter 4, or chapters 5 through 10 of Title 61, ~~or a city ordinance and relating to the operation or use of motor vehicles, except offenses relating to parking of vehicles~~ that are a result of citations or tickets issued by the highway patrol.""

And, as so amended, be concurred in. Report adopted.

HB 709, third reading copy, be amended as follows:

1. Page 2, line 4.
Following: "~~$490,000~~"
Strike: "$450,000"
Insert: "$490,000"

2. Page 2, line 17.
Following: line 16

Insert: "(8) a grant to the city of Lewistown for the East Fork reservoir recreation area project: $28,756;"
Renumber: subsequent subsections

3. Page 3, line 1.
Following: "~~$30,000~~"
Strike: "$50,000"
Insert: "$30,000"

4. Page 3, line 13.
Following: line 12
Insert: "(13) a grant to the city of Bozeman for the Mystic lake dam repair project: $60,000 or the amount of the award of the bid, whichever is less;"
Renumber: subsequent subsections

And, as so amended, be concurred in. Report adopted.

HB 846, be concurred in. Report adopted.
HB 861, be concurred in. Report adopted.

TAXATION (Goodover, Chairman):
HB 718, third reading copy, be amended as follows:

1. Page 1, line 22.
Following: line 21
Strike: line 22 through line 3 on page 5
Insert: "(2) The hard-rock mining impact board is a five-member board.

(3) The hard-rock mining impact board shall include among its members:

(a) three persons who reside in an area impacted by large-scale mineral development;

(b) no more than three persons from the same congressional districts;

(c) a representative of the hard-rock mining industry;

(d) a representative of a major financial institution in Montana;

(e) an elected school district trustee;

(f) an elected county commissioner;

(g) a member of the public-at-large.

(4) The hard-rock mining impact board is a quasi-judicial board subject to the provisions of 2-25-124 except that one of the members need not be an attorney licensed to practice law in this state and the board shall elect a chairman from among its members"

2. Page 6, line 11.
Following: "INCLUDING"
Strike: "BUT NOT LIMITED TO"

3. Page 6, line 13.
Following: "DISTRICT"
Insert: "that provides any of the services referred to in subsection (1)(c) of [section 8]"

4. Page 6, lines 14 and 15.
Following: "MEANS" on line 14

Strike: "A HARD-ROCK MINERAL DEVELOPMENT"
Insert: "the construction or operation of a hard-rock mine and the associated milling facility"

5. Page 6, lines 16 and 17.
Following: "PEOPLE" on line 16
Strike: "IN CONSTRUCTION OF FACILITIES AND OPERATION OF A MINE"

6. Page 6, lines 19 and 20.
Following: "15% IN A" on line 19
Strike: "COUNTY, TOWN, SCHOOL DISTRICT, OR OTHER GOVERNMENTAL"
Insert: "local government"

7. Page 6, line 21.
Following: "POPULATION OF"
Strike: "SUCH A GOVERNMENTAL"
Insert: "the local government"

8. Page 6, line 23.
Following: "of"
Strike: "MINING"
Insert: "the construction of the mining facility. A mining operation that would qualify as a large-scale mineral development under this subsection is not a large-scale mineral development if the mine owner and operator are small miners as defined in 82-4-303(10)"

9. Page 7, line 3.
Following: "AS NECESSARY"
Insert: "or"

10. Page 7, lines 7 and 8.
Following: "DEPARTMENT OF" on line 7
Strike: "COMMUNITY AFFAIRS"
Insert: "commerce"

11. Page 7, lines 14 through 19.
Following: line 13
Strike: lines 14 through 19
Insert: "NEW SECTION. Section 5. Account established. There is within the earmarked revenue fund a hard-rock mining impact account. Moneys are payable into this account from payments made by a mining developer in compliance with the written guarantee from the developer to meet the increased costs of public services and facilities as specified in the impact plan provided for in [section 8]. The state treasurer shall draw warrants from this account upon order of the hard-rock mining impact board."
Renumber: subsequent sections

12. Page 7, line 23.
Following: "advisors"
Insert: "notwithstanding the provisions of 2-15-121"

13. Page 8, line 4.
Following: "HARD-ROCK"
Strike: "MINERAL"
Insert: "mining"
Following: "IMPACT"
Strike: "FUND"
Insert: "account as provided in [section 8]"

14. Page 8, line 5.
Following: "[SECTION]"
Strike: "7"
Insert: "8"

15. Page 11, line 3.
Following: "82-4-335"
Insert: "and the permit is"

16. Page 11, line 5.
Following: "BOARD"
Strike: "A STATEMENT"
Insert: "an impact plan"

17. Page 11, line 6.
Following: line 5
Strike: "MINING"
Insert: "large-scale mineral"

18. Page 11, line 11.
Following: "IMPACT"
Strike: "STATEMENT"
Insert: "plan"

19. Page 11, line 25.
Following: "IMPACT"
Strike: "STATEMENT"
Insert: "plan"

20. Page 12, line 4.
Following: "[SECTION]"
Strike: "9"
Insert: "10"
Following: "SPECIAL"
Insert: "industrial educational impact"

21. Page 12, line 5.
Following: "[SECTION]"
Strike: "10"
Insert: "11"

22. Page 12, line 9.
Following: "OF THE"
Strike: "STATEMENT"
Insert: "impact plan"

23. Page 12, line 11.
Following: "TO THE"
Strike: "STATEMENT"
Insert: "impact plan"

24. Page 12, line 12.
Following: line 11
Strike: "STATEMENT"
Insert: "impact plan"

25. Page 12, line 13.
Following: "PERIOD, THE"
Strike: "STATEMENT"
Insert: "impact plan"

26. Page 13, line 1.
Following: "IMPACT"

Strike: "STATEMENT"
Insert: "plan"

27. Page 13, line 6.
Following: line 5
Strike: "STATEMENT"
Insert: "plan"

28. Page 13, line 7.
Following: "IMPACT"
Strike: "STATEMENT"
Insert: "plan"

29. Page 13, line 8.
Following: line 7
Strike: "STATEMENT"
Insert: "plan"

30. Page 13, line 14.
Following: line 13
Insert: "(6) The developer shall, within 30 days of receipt of the approved impact plan, provide the board with a written guaranty that the developer will make all the payments to the board required in the approved impact plan and according to the time schedule contained in the approved impact plan.

(7) The board shall deposit all payments received from the developer into the hard-rock mining impact account established by [section 5].

(8) The board shall notify the department of state lands of its receipt of the written guaranty of payment, of each required payment, and of any failure of the developer to comply with this section.

(9) Upon receipt of evidence that an affected local government unit identified in the approved impact plan is providing or is preparing to provide an additional service or facility provided for in the approved impact plan, the board shall pay to that local government unit in one sum or in parts the money from the hard-rock mining impact fund identified in the plan as the increased cost to the local government unit of providing that public service or facility.

(10) If it is determined that an objection filed by an affected local government unit under subsection (3) is valid, the local government unit shall be awarded and the developer shall pay reasonable costs and attorney fees associated with any appeals filed under this section. Any attorney fees and costs awarded shall be in addition to any amounts paid by the developer under [sections 2 through 11]."

31. Page 13, line 15.
Following: "of"
Strike: "statement"
Insert: "impact plan"

32. Page 13, line 17.
Following: "review of the"
Strike: "developer's statement"
Insert: "impact plan"

33. Page 13, line 18.
Following: "section ~~10~~"

Strike: "7"
Insert: "8"

34. Page 15, line 3.
Following: "UNIVERSITY LEVY AND"
Insert: "may exclude"

35. Page 15, line 12.
Following: "HARD-ROCK MINING"
Insert: "impact"

36. Page 15, line 24.
Following: "RECEIVED"
Insert: "all or a portion of the"

37. Page 16, line 19.
Following: "YEAR"
Insert: "for that local government unit. Any local government unit not receiving a payment shall not be affected by this section and no reduction in value shall be used in the computation of taxes due that unit of local government."

38. Page 17, line 5.
Following: "DISTRICT"
Strike: "will"
Insert: "may"

39. Page 20, line 21.
Following: "DEVELOPMENT"
Insert: "as defined in [section 3]"

40. Page 20, line 23.
Following: "MINING"
Insert: "impact"
Following: "[SECTION"
Strike: "7"
Insert: "8"

41. Page 21, line 2.
Following: "IMPACT"
Strike: "STATEMENT"
Insert: "plan"

42. Page 21, line 3.
Following: "[SECTION"
Strike: "7"
Insert: "8"

43. Page 21, line 9.
Following: "[section ~~10~~"
Strike: "7"
Insert: "8"

44. Page 21, line 12.
Following: line 11
Insert: "Section 14. Coordination. (1) If the department of commerce has not been created by executive order on the effective date of [this act] then the hard-rock mining impact board is allocated to the department of community affairs for administrative purposes until the department of commerce is created or until July 1, 1981, whichever is earlier.

(2) If Senate bill 344 is passed and approved:

(a) the hard-rock mining impact board created by [section 1] is replaced with the hard-rock mining impact board created by [section 12 of senate bill 344].

(b) subsection 1 of [section 3] shall read:

“”Board” means the hard-rock mining impact board established in [section 12 of senate bill 344].”

(c) [Section 4] is replaced with [section 16 of senate bill 344].

(d) [Section 5] is replaced with [section 14 of senate bill 344].

(e) [Section 7] is replaced with [section 18 of senate bill 344].

(f) [Section 6], [section 13], and subsections (2) and (8) of [section 8] shall not become effective.

(g) The senate standing committee amendment 30 be amended to read:

“Page 13, line 14.
Following: line 13
Insert: “(6) The developer shall, within 30 days of receipt of the approved impact plan, provide the board with a written guaranty that the developer will make all the payments to the board required in the approved impact plan and according to the time schedule contained in the approved impact plan.

(7) The board shall deposit all payments received from the developer into the hard-rock mining impact account established by [section 5].

(8) The board shall notify the department of state lands of its receipt of the written guaranty of payment, of each required payment, and of any failure of the developer to comply with this section.

(9) Upon receipt of evidence that an affected local government unit identified in the approved impact plan is providing or is preparing to provide an additional service or facility provided for in the approved impact plan, the board may pay to that local government unit in one sum or in parts the money from the hard-rock mining impact fund identified in the plan as the increased cost to the local government unit of providing that public service or facility.

(10) If it is determined that an objection filed by an affected local government unit under subsection (3) is valid, the local government unit shall be awarded and the developer shall pay reasonable costs and attorney fees associated with any appeals filed under this section. Any attorney fees and costs awarded shall be in addition to any amounts paid by the developer under [sections 2 through 11].

Section 15. Severability. If a part of this act is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of this act is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid application.””

Renumber: subsequent sections

And, as so amended, be concurred in. Report adopted.

HB 835, third reading copy, be amended as follows:

1. Page 1, line 18.
Following: "sold"
Strike: "at retail"
Insert: "to the ultimate consumer"

2. Page 1, line 20.
Following: "roads"
Strike: "within the state"

3. Page 1, line 21.
Following: "specify"
Strike: "whether"

4. Page 1, line 22.
Following: "by"
Strike: "the county or"

5. Page 2, line 11.
Following: "sold"
Strike: "at retail"
Insert: "to the ultimate consumer"

6. Page 2, line 17.
Following: "revenue"
Strike: "or a county"

7. Page 2, line 22.
Following: "and"
Strike: "roads within the state"
Insert: "roads"

8. Page 3, lines 7 through 10.
Following: "(2)"
Strike: all material through ", a" on line 10
Insert: "A" before "county" on line 10

And, as so amended, be concurred in. Report adopted.

BUSINESS AND INDUSTRY (Hazelbaker, Chairman):
HJR 55, be concurred in. Report adopted.
HJR 65, be concurred in. Report adopted.

MOTIONS

Senator Towe moved that the Senate reconsider its action taken on Third Reading, in failing to concur in House Bill No. 798. Motion failed by the following vote:

Ayes: Berg, S. Brown, Conover, Crippen, Eck, Elliott, Goodover, Graham, Haffey, Hager, Halligan, Jacobson, Lee, Norman, Regan, Ryan, Smith, Stephens, Stimatz, Towe, Van Valkenburg, Mr. President.
Total 22

Noes: Aklestad, Anderson, Boylan, B. Brown, Dover, Etchart, Galt, Hafferman, Hammond, Hazelbaker, Healy, Johnson, Keating, Kolstad, Manley, Mazurek, McCallum, Nelson, Ochsner, Olson, Severson, Story, Thomas, Tveit.
Total 24

Excused: Himsl.
Total 1

Absent or not voting: Blaylock, Manning, O'Hara.
Total 3

At the request of the President, and without objection, the Senate reverted to Order of Business No. 3.

REPORTS OF SELECT COMMITTEES

CONFERENCE COMMITTEE
ON HOUSE AMENDMENTS TO SENATE BILL NO. 352
Report No. 1, April 14, 1981

MR. PRESIDENT AND SPEAKER OF THE HOUSE:

We, your Conference Committee on Senate Bill No. 352, met April 14, 1981, and considered:

House Business and Industry Committee Amendments to the third reading copy, dated March 12, 1981, and recommend as follows:

That the House recede from Committee Amendment Nos. 1 through 4;

That the reference copy of Senate Bill No. 352 read as specified in the CLERICAL INSTRUCTIONS;

And, that the Conference Committee Report to Senate Bill No. 352 be adopted.

CLERICAL INSTRUCTIONS:

1. Page 5, line 9.
Following: "~~aggregate~~"
Insert: "for mental illness, alcoholism, and drug addiction in the aggregate"

2. Page 5, lines 10 through 13.
Following: "$1,000"
Strike: all underlined language

3. Page 5, line 15.
Following: "~~aggregate,~~"
Insert: ", for mental illness, alcoholism, and drug addiction in the aggregate,"

4. Page 5, lines 17 through 19.
Following: "limit"
Strike: all underlined language

FOR THE SENATE:

Senator Goodover, Chairman
Senator Blaylock
Senator Olson

FOR THE HOUSE:

Representative Andreason, Chairman
Representative Bergene
Representative Oberg

Report adopted.

FREE CONFERENCE COMMITTEE
ON HOUSE BILL NO. 209
Report No. 1, April 14, 1981

We, your Free Conference Committee on House Bill No. 209, met April 14, 1981, and considered:

Senate Judiciary Committee Amendments to the third reading copy, dated March 23, 1981, and recommend as follows:

That the Senate recede from Senate Judiciary Committee Amendment Nos. 1 through 2;

And, that the Free Conference Committee Report to House Bill No. 209 be adopted.

FOR THE SENATE:

Senator B. Brown, Chairman
Senator Mazurek
Senator O'Hara

FOR THE HOUSE:

Representative Keyser, Chairman
Representative D. Brown
Representative Hannah

Report adopted.

FREE CONFERENCE COMMITTEE
ON HOUSE BILL NO. 636
Report No. 1, April 11, 1981

MR. PRESIDENT AND SPEAKER OF THE HOUSE:

We, your Free Conference Committee on House Bill No. 636, met April 11, 1981, and considered:

Senate Committee of the Whole Amendments to the third reading copy, dated March 19, 1981, and recommend as follows:

That the Senate recede from Committee of the Whole Amendment No. 7, and the House accede to Amendment Nos. 2 through 6, and 8 through 10;

That the Senate recede from Amendment Nos. 1 and 11 in their current form, and amend these amendments as indicated in CLERICAL INSTRUCTIONS NOS. 2 and 7;

That the reference copy of House Bill No. 636 read as specified in the CLERICAL INSTRUCTIONS, and;

That the Free Conference Committee Report to House Bill No. 636 be adopted.

CLERICAL INSTRUCTIONS:

1. Title, lines 12 and 13.
Following: "RULES;" on page 12
Strike: "TO" through "PUBLIC;" on line 13

2. Title, line 14.
Following: "AND"
Insert: "BIANNUAL"

3. Page 7, line 4.
Following: "~~three~~"
Strike: "FOUR"
Insert: "three"

4. Page 7, lines 9 through 11.
Following: "year." on line 9
Strike: "One" through "large." on line 11

5. Page 10, line 2.
Following: "therapist"
Strike: ","
Insert: "or"

6. Page 10, line 3.
Following: "~~state~~"
Strike: "or a public member,"

7. Page 10, line 19.
Following: "LEAST"
Strike: "ANNUALLY"
Insert: "biannually"

8. Page 11, line 22.
Following: "SECTION"
Strike: "6"
Insert: "8"

9. Page 10, line 5.
Following: "SECTION 8."
Strike: "MESSAGE"
Insert: "massage"

10. Page 10, line 21.
Following: "PEACE"
Strike: "OFFICE"
Insert: "officer"

FOR THE SENATE:

Senator S. Brown, Chairman
Senator Keating
Senator Story

FOR THE HOUSE:

Representative Feda, Chairman
Representative Pavlovich
Representative Winslow

Report adopted.

FREE CONFERENCE COMMITTEE
ON HOUSE BILL NO. 652
Report No. 1, April 14, 1981

MR. PRESIDENT AND SPEAKER OF THE HOUSE:

We, your Free Conference Committee on House Bill No. 652, met April 14, 1981, and considered:

Senate Committee on Natural Resources Amendments dated March 26, 1981;

Senate Committee on Natural Resources Amendments on the Statement of Intent dated March 25, 1981;

Senate Committee of the Whole Amendments dated March 31, 1981 and recommend as follows:

Having had under consideration Senate Committee on Natural Resources Amendments dated March 26, 1981;

That the Senate recede from Amendment Nos. 1 through 6;

Having had under consideration Senate Committee on Natural Resources Amendments on the Statement of Intent dated March 25, 1981;

That the Senate recede from Amendment Nos. 1 through 4;

Having had under consideration Senate Committee of the Whole Amendments, dated March 31, 1981;

That the Senate recede from Amendment Nos. 1 through 3;

And further, that House Bill No. 652, reference bill, be amended as follows:

1. Title, line 13.

Strike: "INSTEAD"
Following: "A"
Strike: "STATE"

2. Title, line 17.
Following: "AND"
Strike: "TO REVISE"
Insert: "REVISING"

3. Title, lines 18 and 19.
Following: "75-3-103"
Strike: "AS AMENDED BY INITIATIVE 84"

4. Title, lines 19 and 20.
Following: "75-3-302"
Strike: "AS AMENDED BY INITIATIVE 84"

5. Title, lines 20 and 21.
Following: "75-3-303"
Strike: "AS AMENDED BY INITIATIVE 84"

6. Title, line 21.
Following: "INITIATIVE 84;"
Strike: "AND"

7. Title, line 22.
Following: "AN"
Strike: "IMMEDIATE"
Following: "DATE"
Insert: ";"

8. Page 16, line 21 through line 8 on page 17.
Following: the first "material" on line 21
Strike: the remainder of line 21 through line 8 on page 17
Insert: ", high-level radioactive material, byproduct material as defined in section 75-3-1013(1)(a), or special nuclear material, within the state of Montana.

(2) Notwithstanding subsection (1) of this section, the disposal in Montana of byproduct material, as defined in section 75-3-103(1)(b), produced in Montana, is authorized if done pursuant to a license issued by the United States or by the department.

(3) For purposes of subsection (1) of this section "radioactive material" means any material, or combination of materials, which spontaneously emits ionizing radiation and for which a specific license is required by the United States or by the department.

(4) For purposes of subsection (1) of this section, "disposal" means the deposit of any container or vehicle content.

(5) For purposes of subsection (1), "high-level radioactive material" means radioactive material consisting of spent nuclear fuel or the highly radioactive waste resulting from the reprocessing of spent nuclear fuel."
Renumber: subsequent subsections

9. Page 22, line 14.
Following: "SECTION"
Strike: "19"
Insert: "18"

10. Page 22, lines 15 and 16.

Following: "EFFECTIVE"
Strike: "OR SHALL BE REPLACED BY THE PROVISIONS OF INITIATIVE 84"

11. Page 22, lines 21 through 25.
Strike: lines 21 through 25 in their entirety
Insert: "

☐ FOR excepting uranium and thorium mill tailings produced in Montana from the ban on disposal of most radioactive waste and providing a regulatory system.

☐ AGAINST excepting uranium and thorium mill tailings produced in Montana from the ban on disposal of most radioactive waste and providing a regulatory system."

And, that the Free Conference Committee Report on House Bill No. 652 be adopted.

FOR THE SENATE:	FOR THE HOUSE:
Senator Keating, Chairman	Representative Iverson, Chairman
Senator Dover	Representative Conroy
Senator Van Valkenburg	Representative Keyser

Report adopted.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The House on 4/15/81, dissolved the Conference Committee, and the Speaker was authorized to appoint a Free Conference Committee and the House respectfully requests the Senate to appoint a like committee to confer on Senate Amendments to House Bill No. 161.

The Speaker appointed the following members:

Representative Gould, Chairman
Representative Winslow
Representative Dussault

The following House Bills were on 4/15/81, passed and transmitted to the Senate for concurrence:

House Bill No. 261, introduced by Ernst (80-2)

House Bill No. 460, introduced by Conn (68-12)

House Bill No. 603, introduced by Burnett (80-2)

House Bill No. 871, introduced by Moore (76-6)

House Bill No. 847, introduced by Ryan (82-0)

House Bill No. 841, introduced by Brown (81-0)

House Bill No. 478, introduced by Spilker (72-19)

House Bill No. 872, introduced by Moore (67-12)

FIRST READING OF BILLS

The following House bills were introduced, read first time and referred to committees:

HB 261, introduced by Ernst, Schultz, Phillips, Dover. Referred to Committee on Finance and Claims.

HB 460, introduced by Conn, Anderson, Himsl, B. Brown, Harp, Keedy, Curtiss. Referred to Committee on Finance and Claims.
HB 478, introduced by Spilker, Healy, Metcalf, (By Request of the Capitol Building and Planning Committee). Referred to Committee on Finance and Claims.
HB 603, introduced by Burnett, (By Request of the Department of Natural Resources and Conservation). Referred to Committee on Finance and Claims.
HB 841, introduced by D. Brown. Referred to Committee on Finance and Claims.
HB 847, introduced by Ryan. Referred to Committee on Finance and Claims.
HB 871, introduced by Moore. Referred to Committee on Finance and Claims.
HB 872, introduced by Moore. Referred to Committee on Finance and Claims.

At the request of the President, and without objection, the Senate reverted to Order of Business No. 6.

MOTIONS

Senator Stephens moved, duly carried, that the Conference Committee appointed to confer on House Amendments to Senate Bill No. 452 be dissolved and that the President be authorized to appoint a Free Conference Committee.

The President appointed the following committee:

Senator Himsl, Chairman
Senator Halligan
Senator S. Brown

SPECIAL ORDERS OF THE DAY

The President appointed the following as conferees on a Free Conference Committee to confer on House Amendments to Senate Bill No. 243:

Senator Dover, Chairman
Senator Tveit
Senator Graham

The President appointed the following as conferees on a Conference Committee to confer on House Amendments to Senate Bill No. 33:

Senator Goodover, Chairman
Senator Olson
Senator Mazurek

Upon motion of Senator Stephens, duly carried, the Senate adjourned at 5:30 p.m. until Thursday, April 16, at the hour of 10:30 a.m.

JEAN A. TURNAGE
President of the Senate

JOHN W. LARSON
Secretary of the Senate

EIGHTY-FIFTH LEGISLATIVE DAY

Helena, Montana
April 16, 1981

Senate Chambers
Capitol Building

Senate convened at 10:30 a.m., President Turnage presiding. Invocation by the Chaplain. Pledge of Allegiance to the Flag.

Roll call. All members present except O'Hara, excused. Quorum present.

Mr. President: We, your Committee on Bills and Journal, having examined the daily journal for the Eighty-fourth Legislative Day, find the same to be correct.

O'HARA, Chairman

MOTIONS

Senator Stephens moved, duly carried, that the Senate recess at the hour of 10:34 a.m. until the hour of 11:00 a.m.

At the request of the President, and without objection, the Senate reverted to Order of Business No. 2.

REPORTS OF STANDING COMMITTEES

STATE ADMINISTRATION (Story, Chairman):

Communication of the Governor dated January 23, 1981, wherein the name of:

DAVID HUNTER, Helena, to serve a term ending March 4, 1985, was submitted for appointment to:

The Commissioner of Labor and Industry.

Respectfully report as follows:

That said appointment be concurred in and confirmed by the Senate, and that the attached resolution be adopted by the Senate.

Be concurred in and confirmed. Report adopted.

Communication of the Governor dated January 23, 1981, wherein the name of:

Dr. JOHN J. DRYNAN, Helena, to serve at the pleasure of the Governor, was submitted for appointment to:

The Director of Health and Environmental Sciences.

Respectfully report as follows:

That said appointment be concurred in and confirmed by the Senate, and that the attached resolution be adopted by the Senate.

Be concurred in and confirmed. Report adopted.

Communication of the Governor dated January 23, 1981, wherein the name of:

DAVID WANZENRIED, Helena, to serve at the pleasure of the Governor, was submitted for appointment to:

The Acting Director of Community Affairs.

Respectfully report as follows:

That said appointment be concurred in and confirmed by the Senate, and that the attached resolution be adopted by the Senate.

Be concurred in and confirmed. Report adopted.

Communication of the Governor dated January 23, 1981, wherein the name of:

GARY BUCHANAN, Helena, to serve at the pleasure of the Governor, was submitted for appointment to:

The Acting Director of Business Regulation.

Respectfully report as follows:

That said appointment be concurred in and confirmed by the Senate, and that the attached resolution be adopted by the Senate.

Be concurred in and confirmed. Report adopted.

Communication of the Governor dated April 7, 1981, wherein the name of:

GARY BUCHANAN, Helena, to serve at the pleasure of the Governor, was submitted for appointment to:

The Director of the Department of Commerce.

Respectfully report as follows:

That said appointment be concurred in and confirmed by the Senate, and that the attached resolution be adopted by the Senate.

Be concurred in and confirmed. Report adopted.

Communication of the Governor dated January 23, 1981, wherein the name of:

MORRIS L. BRUSETT, Helena, to serve at the pleasure of the Governor, was submitted for appointment to:

The Director of the Department of Administration.

Respectfully report as follows:

That said appointment be concurred in and confirmed by the Senate, and that the attached resolution be adopted by the Senate.

Be concurred in and confirmed. Report adopted.

Communication of the Governor dated January 23, 1981, wherein the name of:

W. GORDON McOMBER, Helena, reappointed to serve at the pleasure of the Governor, was submitted for appointment to:

The Director of the Department of Agriculture.

Respectfully report as follows:

That said appointment be concurred in and confirmed by the Senate, and that the attached resolution be adopted by the Senate.

Be concurred in and confirmed. Report adopted.

Communication of the Governor dated January 23, 1981, wherein the name of:

JAMES FLYNN, Helena, reappointed to serve at the pleasure of the Governor, was submitted for appointment to:

The Director of the Department of Fish, Wildlife and Parks.

Respectfully report as follows:

That said appointment be concurred in and confirmed by the Senate, and that the attached resolution be adopted by the Senate.

Be concurred in and confirmed. Report adopted.

Communication of the Governor dated January 23, 1981, wherein the name of:

GARY WICKS, Helena, reappointed to serve at the pleasure of the Governor, was submitted for appointment to:

The Director of the Department of Highways.

Respectfully report as follows:

That said appointment be concurred in and confirmed by the Senate, and that the attached resolution be adopted by the Senate.

Be concurred in and confirmed. Report adopted.

Communication of the Governor dated January 23, 1981, wherein the name of:

CARROLL V. SOUTH, Helena, to serve at the pleasure of the Governor, was submitted for appointment to:

The Director of the Department of Institutions.

Respectfully report as follows:

That said appointment be concurred in and confirmed by the Senate, and that the attached resolution be adopted by the Senate.

Be concurred in and confirmed. Report adopted.

Communication of the Governor dated January 23, 1981 wherein the name of:

COLONEL JAMES DUFFY, Helena, to serve at the pleasure of the Governor, was submitted for appointment to:

The Adjutant General of Montana to head the Department of Military Affairs.

Respectfully report as follows:

That said appointment be concurred in and confirmed by the Senate, and that the attached resolution be adopted by the Senate.

Be concurred in and confirmed. Report adopted.

Communication of the Governor dated January 23, 1981, wherein the name of:

LEO BERRY, Helena, to serve at the pleasure of the Governor, was submitted for appointment to:

The Director of the Department of Natural Resources and Conservation.

Respectfully report as follows:

That said appointment be concurred in and confirmed by the Senate, and that the attached resolution be adopted by the Senate.

Be concurred in and confirmed. Report adopted.

Communication of the Governor dated January 23, 1981, wherein the name of:

ED CARNEY, Helena, to serve at the pleasure of the Governor, was submitted for appointment to:

The Director of the Department of Professional and Occupational Licensing.

Respectfully report as follows:

That said appointment be concurred in and confirmed by the Senate, and that the attached resolution be adopted by the Senate.

Be concurred in and confirmed. Report adopted.

Communication of the Governor dated January 23, 1981, wherein the name of:

ELLEN J. FEAVER, Helena, to serve at the pleasure of the Governor, was submitted for appointment to:

The Director of the Department of Revenue.

Respectfully report as follows:

That said appointment be concurred in and confirmed by the Senate, and that the attached resolution be adopted by the Senate.

Be concurred in and confirmed. Report adopted.

Communication of the Governor dated January 23, 1981, wherein the name of:

JOHN D. LaFAVER, Helena, to serve at the pleasure of the Governor, was submitted for appointment to:

The Director of the Department of Social and Rehabilitation Services.

Respectfully report as follows:

That said appointment be concurred in and confirmed by the Senate, and that the attached resolution be adopted by the Senate.

Be concurred in and confirmed. Report adopted.

Communication of the Governor dated January 23, 1981, wherein the name of:

GARETH C. MOON, Helena, to serve at the pleasure of the Governor, was submitted for appointment to:

The Commissioner of the Department of State Lands.

Respectfully report as follows:

That said appointment be concurred in and confirmed by the Senate, and that the attached resolution be adopted by the Senate.

Be concurred in and confirmed. Report adopted.

Communication of the Governor dated January 23, 1981, wherein the name of:

LAURY LEWIS, Helena, reappointed to serve at the pleasure of the Governor, was submitted for appointment to:

The Administrator of the Workers' Compensation Division of the Department of Labor and Industry.

Respectfully report as follows:

That said appointment be concurred in and confirmed by the Senate, and that the attached resolution be adopted by the Senate.

Be concurred in and confirmed. Report adopted.

Communication of the Governor dated March 25, 1981, wherein the names of:

NORVELL A. BESINQUE, Billings, reappointed for a term ending July 1, 1981;

SHERMAN H. VELTKAMP, Bozeman, appointed for a term ending July 1, 1981;

JACK R. DOBBINS, Missoula, appointed for a term ending July 1, 1983;

J. AUSTIN MILLER, Kalispell, appointed for a term ending July 1, 1982, were submitted for appointments to:

The Board of Public Accountants.

Respectfully report as follows:

That said appointments be concurred in and confirmed by the Senate, and that the attached resolution be adopted by the Senate.

Be concurred in and confirmed. Report adopted.

Communication of the Governor dated March 25, 1981, wherein the names of:

BONITA BLEWETT DONAHUE, Great Falls, appointed for a term ending July 1, 1982;

HAROLD C. ROSE, Bozeman, appointed for a term ending March 27, 1983, were submitted for appointments to:

The Board of Architects.

Respectfully report as follows:

That said appointments be concurred in and confirmed by the Senate, and that the attached resolution be adopted by the Senate.

Be concurred in and confirmed. Report adopted.

Communication of the Governor dated March 25, 1981, wherein the names of:

CERIDWEN BREEN, Missoula, appointed for a term ending February 1, 1985;

JOHN H. JOHNSON, Glendive, appointed for a term ending February 1, 1985;

CAROLYN VALACICH, Great Falls, appointed for a term ending February 1, 1985;

JOANNE TROXEL, Bozeman, appointed for a term ending February 1, 1985;

WILLIAM P. YELLOWTAIL, Wyola, appointed for a term ending February 1, 1982;

LORILL M. DRISCOLL, Butte, appointed for a term ending February 1, 1985, were submitted for appointments to:

The Montana Arts Council.

Respectfully report as follows:

That said appointments be concurred in and confirmed by the Senate, and that the attached resolution be adopted by the Senate.

Be concurred in and confirmed. Report adopted.

Communication of the Governor dated March 25, 1981 and April 8, 1981, wherein the names of:

JAMES W. CONNELLY, Great Falls, appointed for a term ending July 1, 1983;

E. E. KUHNS, Billings, appointed for a term ending July 1, 1982;

JOE M. TAYLOR, Missoula, appointed for a term ending July 1, 1982;

HERBERT E. RICHARDS, Bozeman, appointed for a term ending July 1, 1981;

RUDY TRAMELLI, Great Falls, appointed for a term ending July 1, 1983;

D. E. OLSSON, Ronan, appointed for a term ending July 1, 1981, were submitted for appointments to:

The State Banking Board.

Respectfully report as follows:

That said appointments be concurred in and confirmed by the Senate, and that the attached resolution be adopted by the Senate.

Be concurred in and confirmed. Report adopted.

Communication of the Governor dated March 25, 1981, wherein the name of:

DALE R. TASH, Dillon, appointed for a term ending January 1, 1983, was submitted for appointment to:

The Coal Board.

Respectfully report as follows:

That said appointment be concurred in and confirmed by the Senate, and that the attached resolution be adopted by the Senate.

Be concurred in and confirmed. Report adopted.

Communication of the Governor dated March 25, 1981, wherein the name of:

MARK P. SULLIVAN, to serve until confirmed by the Senate, and thereafter until he or his successor is duly elected and qualified in accordance with the laws of the State of Montana, was submitted for appointment to:

The District Judge for the Second Judicial District.

Respectfully report as follows:

That said appointment be concurred in and confirmed by the Senate, and that the attached resolution be adopted by the Senate.

Be concurred in and confirmed. Report adopted.

Communication of the Governor dated March 25, 1981, wherein the name of:

JOHN S. HENSON, to serve until confirmed by the Senate, and thereafter until he or his successor is duly elected and qualified in accordance with the laws of the State of Montana, was submitted for appointment to:

The District Judge for the Fourth Judicial District.

Respectfully report as follows:

That said appointment be concurred in and confirmed by the Senate, and that the attached resolution be adopted by the Senate.

Be concurred in and confirmed. Report adopted.

Communication of the Governor dated March 25, 1981, wherein the name of:

WILLIAM J. SPEARE, to serve until confirmed by the Senate, and thereafter until he or his successor is duly elected and qualified in accordance with the laws of the State of Montana, was submitted for appointment to:

The District Judge for the Thirteenth Judicial District.

Respectfully report as follows:

That said appointment be concurred in and confirmed by the Senate, and that the attached resolution be adopted by the Senate.

Be concurred in and confirmed. Report adopted.

Communication of the Governor dated March 25, 1981, wherein the names of:

CATHRYN JEAN ROBOCKER, Kalispell, appointed for a term ending February 1, 1983;

THOMAS A. THOMPSON, Browning, reappointed for a term ending February 1, 1987, were submitted for appointments to:

The Board of Public Education.

Respectfully report as follows:

That said appointments be concurred in and confirmed by the Senate, and that the attached resolution be adopted by the Senate.

Be concurred in and confirmed. Report adopted.

Communication of the Governor dated March 25, 1981, wherein the name of:

PAUL TIHISTA, Glasgow, appointed for a term ending January 1, 1983, was submitted for appointment to:

The State Fish and Game Commission.

Respectfully report as follows:

That said appointment be concurred in and confirmed by the Senate, and that the attached resolution be adopted by the Senate.

Be concurred in and confirmed. Report adopted.

Communication of the Governor dated March 25, 1981, wherein the name of:

GEORGE LACKMAN, Missoula, appointed for a term ending January 1, 1983, was submitted for appointment to:

The Board of Health and Environmental Sciences.

Respectfully report as follows:

That said appointment be concurred in and confirmed by the Senate, and that the attached resolution be adopted by the Senate.

Be concurred in and confirmed. Report adopted.

Communication of the Governor dated March 25, 1981, wherein the names of:

WILBUR P. WERNER, Cut Bank, appointed for a term ending July 1, 1984;

RANDALL SWANBERG, Great Falls, appointed for a term ending July 1, 1984;

WILLIAM R. McKAY, Roscoe, appointed for a term ending July 1, 1984;

GEORGE W. O'CONNOR, Butte, appointed for a term ending July 1, 1983;

JAY CONTWAY, Great Falls, appointed for a term ending July 1, 1985;

JAMES W. REGER, Billings, appointed for a term ending July 1, 1985, were submitted for appointments to:

The Board of Trustees of the State Historical Society.

Respectfully report as follows:

That said appointments be concurred in and confirmed by the Senate, and that the attached resolution be adopted by the Senate.

Be concurred in and confirmed. Report adopted.

Communication of the Governor dated March 25, 1981, wherein the names of:

JAMES E. EDWARDS, Billings, reappointed for a term ending January 16, 1983;

RICHARD W. HEARD, Columbus, reappointed for a term ending January 16, 1983, were submitted for appointments to:

The Board of Horse Racing.

Respectfully report as follows:

That said appointments be concurred in and confirmed by the Senate, and that the attached resolution be adopted by the Senate.

Be concurred in and confirmed. Report adopted.

MOTIONS

Senator Stephens moved, duly carried, that the Senate recess at the hour of 12:09 p.m. until the hour of 1:30 p.m.

At the request of the President, and without objection, the Senate reverted to Order of Business No. 2.

REPORTS OF STANDING COMMITTEES

STATE ADMINISTRATION (Story, Chairman):

Communication of the Governor dated March 25, 1981, wherein the name of:

JOSEPH B. REBER, Helena, appointed for a term ending January 1, 1983, was submitted for appointment to:

The Board of Investments.

Respectfully report as follows:

That said appointment be concurred in and confirmed by the Senate, and that the attached resolution be adopted by the Senate.

Be concurred in and confirmed. Report adopted.

Communication of the Governor dated March 25, 1981, wherein the names of:

HENRY H. GARY JR., M.D., Missoula, appointed for a term ending September 1, 1984;

E. E. BERTAGNELLI, M.D., Three Forks, appointed for a term ending September 1, 1986;

THOMAS, J. MALEE, M.D. Glendive, reappointed for a term ending September 1, 1987, were submitted for appointments to:

The State Board of Medical Examiners.

Respectfully report as follows:

That said appointments be concurred in and confirmed by the Senate, and that the attached resolution be adopted by the Senate.

Be concurred in and confirmed. Report adopted.

Communication of the Governor dated March 25, 1981, wherein the names of:

VERNON H. VIAL, Great Falls, reappointed for a term ending July 1, 1984;

LORENE L. JOHNSON, Kalispell, reappointed for a term ending July 1, 1985, were submitted for appointments to:

The Board of Morticians.

Respectfully report as follows:

That said appointments be concurred in and confirmed by the Senate, and that the attached resolution be adopted by the Senate.

Be concurred in and confirmed. Report adopted.

Communication of the Governor dated March 25, 1981, wherein the name of:

MARY JO ORESKOVICH, Anaconda, appointed for a term ending January 1, 1983, was submitted for appointment to:

The Board of Personnel Appeals.

Respectfully report as follows:

That said appointment be concurred in and confirmed by the Senate, and that the attached resolution be adopted by the Senate.

Be concurred in and confirmed. Report adopted.

Communication of the Governor dated March 25, 1981, wherein the name of:

JOHN M. SHEEHY, Big Sandy, appointed for a term ending January 1, 1983, was submitted for appointment to:

The Board of Oil and Gas Conservation.

Respectfully report as follows:

That said appointment be concurred in and confirmed by the Senate, and that the attached resolution be adopted by the Senate.

Be concurred in and confirmed. Report adopted.

Communication of the Governor dated March 25, 1981, wherein the names of:

MARIE ANDERSON, Billings, reappointed for a term ending May 9, 1984;

A. TOM LUND SR., Hamilton, appointed for a term ending May 9, 1981;

PATRICIA RAUNDAL, Helena, appointed for a term ending May 9, 1983;

DEXTER DELANEY, Missoula, appointed for a term ending May 9, 1983;

GEORGE PIERCE, Billings, appointed for a term ending May 9, 1982, were submitted for appointments to:

The Board of Realty Regulation.

Respectfully report as follows:

That said appointments be concurred in and confirmed by the Senate, and that the attached resolution be adopted by the Senate.

Be concurred in and confirmed. Report adopted.

Communication of the Governor dated March 25, 1981, wherein the name of:

JEFFREY B. MORRISON, Helena, reappointed for a term ending February 1, 1987, was submitted for appointment to:

The Board of Regents of Higher Education.

Respectfully report as follows:

That said appointment be concurred in and confirmed by the Senate, and that the attached resolution be adopted by the Senate.

Be concurred in and confirmed. Report adopted.

Communication of the Governor dated March 25, 1981, wherein the names of:

W. J. LINDSAY, Clancy, reappointed for a term ending July 1, 1982;

T. F. BENES, Billings, reappointed for a term ending July 1, 1983, were submitted for appointments to:

The Board of Water Well Contractors.

Respectfully report as follows:

That said appointments be concurred in and confirmed by the Senate, and that the attached resolution be adopted by the Senate.

Be concurred in and confirmed. Report adopted.

Communication of the Governor dated February 2, 1981, wherein the names of:

DAN OAKLAND, Great Falls, appointed for a term ending January 7, 1985;

DON BAILEY, Forsyth, appointed for a term ending January 7, 1985;

EARL L. SHERRON, Missoula, reappointed for a term ending January 7, 1985, were submitted for appointments to:

The State Fish and Game Commission.

Respectfully report as follows:

That said appointments be concurred in and confirmed by the Senate, and that the attached resolution be adopted by the Senate.

Be concurred in and confirmed. Report adopted.

Communication of the Governor dated February 2, 1981, wherein the names of:

MARGERY BROWN, Missoula, appointed for a term ending January 7, 1985;

ANGELINA VALLEJO CORMIER, Billings, appointed for a term ending January 7, 1985;

BERNARD F. CHRISTIAENS, Great Falls, appointed for a term ending January 7, 1985, were submitted for appointments to:

The Commission for Human Rights.

Respectfully report as follows:

That said appointments be concurred in and confirmed by the Senate, and that the attached resolution be adopted by the Senate.

Be concurred in and confirmed. Report adopted.

Communication of the Governor dated February 2, 1981, wherein the names of:

TENNIE BOTTOMLY, Belgrade, appointed for a term ending January 7, 1985;

EDWIN ZAIDLICZ, Billings, appointed for a term ending January 7, 1985;

DR. KENNETH LEE, Scobey, appointed for a term ending January 7, 1985;

DR. RAYMOND GRONDAHL, Butte, reappointed for a term ending January 7, 1985, were submitted for appointments to:

The Board of Health and Environmental Sciences.

Respectfully report as follows:

That said appointments be concurred in and confirmed by the Senate, and that the attached resolution be adopted by the Senate.

Be concurred in and confirmed. Report adopted.

Communication of the Governor dated February 2, 1981, wherein the names of:

LAND LINDBERGH, Greenough, appointed for a term ending January 7, 1985;

CHARLES L. HASH, Kalispell, reappointed for a term ending January 7, 1985;

RICHARD SPALDING, Billings, appointed for a term ending January 7, 1985;

CECIL WEEDING, Jordan, reappointed for a term ending January 7, 1985, were submitted for appointments to:

The Board of Natural Resources and Conservation.

Respectfully report as follows:

That said appointments be concurred in and confirmed by the Senate, and that the attached resolution be adopted by the Senate.

Be concurred and confirmed. Report adopted.

Communication of the Governor dated March 5, 1981, wherein the names of:

RALPH J. PARKER, Fort Shaw, reappointed for a term ending March 1, 1987;

DONALD L. HERZOG, Rapelje, reappointed for a term ending March 1, 1987;

JOHN KELLY, Red Lodge, appointed for a term ending March 1, 1987, were submitted for appointments to:

The Board of Livestock.

Respectfully report as follows:

That said appointments be concurred in and confirmed by the Senate, and that the attached resolution be adopted by the Senate.

Be concurred in and confirmed. Report adopted.

Communication of the Governor dated February 21, 1981, wherein the names of:

KENNETH MORTAG, Cascade, reappointed for a term ending January 7, 1985;

BOBBYE W. JOHNSON, Miles City, reappointed for a term ending January 7, 1985;

EVELYN ITCAINA, Dodson, appointed for a term ending January 7, 1985, were submitted for appointments to:

The Board of Milk Control.

Respectfully report as follows:

That said appointments be concurred in and confirmed by the Senate, and that the attached resolution be adopted by the Senate.

Be concurred in and confirmed. Report adopted.

Communication of the Governor dated February 21, 1981, wherein the names of:

ARTHUR R. SCHAUER, Libby, appointed for a term ending February 1, 1982;

MARJORIE W. KING, Winnett, reappointed for a term ending February 1, 1988, were submitted for appointments to:

The Board of Public Education.

Respectfully report as follows:

That said appointments be concurred in and confirmed by the Senate, and that the attached resolution be adopted by the Senate.

Be concurred in and confirmed. Report adopted.

Communication of the Governor dated February 21, 1981, wherein the names of:

PAUL M. FOSTER, Billings, appointed for a term ending January 7, 1985;

ILERT HELLEBUST, Havre, appointed for a term ending January 7, 1985;

JOHN SULLIVAN, Livingston, appointed for a term ending January 7, 1985, were submitted for appointments to:

The Highway Commission.

Respectfully report as follows:

That said appointments be concurred in and confirmed by the Senate, and that the attached resolution be adopted by the Senate.

Be concurred in and confirmed. Report adopted.

Communication of the Governor dated April 3, 1981, wherein the names of:

JEROME C. OVERMIRE, Helena, appointed for a term ending January 7, 1985;

MICHAEL J. WHALEN, Billings, reappointed for a term ending January 7, 1985, were submitted for appointments to:

The Board of Labor Appeals.

Respectfully report as follows:

That said appointments be concurred in and confirmed by the Senate, and that the attached resolution be adopted by the Senate.

Be concurred and confirmed. Report adopted.

Communication of the Governor dated April 3, 1981, wherein the names of:

ANTOINETTE R. HAGENER, Havre, reappointed for a term ending July 1, 1985;

DALE L. McGARVEY, Kalispell, appointed for a term ending July 1, 1981, were submitted for appointments to:

The Board of Trustees of the State Historical Society.

Respectfully report as follows:

That said appointments be concurred in and confirmed by the Senate, and that the attached resolution be adopted by the Senate.

Be concurred in and confirmed. Report adopted.

Communication of the Governor dated April 3, 1981, wherein the name of:

SUSAN M. TALBOT, Missoula, appointed for a term ending February 1, 1983, was submitted for appointment to:

The Montana Arts Council.

Respectfully report as follows:

That said appointment be concurred in and confirmed by the Senate, and that the attached resolution be adopted by the Senate.

Be concurred in and confirmed. Report adopted.

Communication of the Governor dated April 6, 1981, wherein the names of:

GERALD H. MUELLER, Helena, appointed to serve at the pleasure of the Governor;

KEITH L. COLBO, Helena, appointed to serve at the pleasure of the Governor, were submitted for appointments to:

The Pacific Northwest Electric Power and Conservation Planning Council.

Respectfully report as follows:

That said appointments be concurred in and confirmed by the Senate, and that the attached resolutions be adopted by the Senate.

Be concurred in and confirmed. Report adopted.

Communication of the Governor dated March 25, 1981, wherein the names of:

ALBERT BERSANTI, Butte, appointed for a term ending July 1, 1984;

CHARLES S. POWELL, Kalispell, appointed for a term ending July 1, 1985, were submitted for appointments to:

The State Electrical Board.

Respectfully report as follows:

That said appointments be concurred in and confirmed by the Senate, and that the attached resolution be adopted by the Senate.

Be concurred in and confirmed. Report adopted.

Communication of the Governor dated March 25, 1981, wherein the name of:

L. MARGARET KRIVEC, Helena, appointed for a term ending January 1, 1987, was submitted for appointment to:

The Commissioner of Campaign Finances and Practices.

Respectfully report as follows:

That said appointment be concurred in and confirmed by the Senate, and that the attached resolution be adopted by the Senate.

Be concurred in and confirmed. Report adopted.

SPECIAL ORDERS OF THE DAY

The hour of 11:30 a.m. having arrived, the Senate considered the Governor's appointments for confirmation.

Senator Story moved that the appointment of David Hunter, Helena, Montana, appointed for a term ending March 4, 1985, to serve at the pleasure of the Governor as Commissioner of Labor and Industry in accordance with the Senate Resolution, be voted upon with the ayes and nays spread upon the Journal. Motion carried by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, Nelson, Norman, Ochsner, O'Hara, Olson, Ryan, Severson, Smith, Stephens, Stimatz, Story, Mr. President.
Total 43

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: Graham, McCallum, Regan, Thomas, Towe, Tveit, Van Valkenburg.
Total 7

Senator Story moved that the appointment of Dr. John J. Drynan, Helena, Montana, appointed to serve at the pleasure of the Governor as Director of Health and Environmental Sciences in accordance with the Senate Resolution, be voted upon with the ayes and nays spread upon the Journal. Motion carried by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, Nelson, Norman, Ochsner, O'Hara, Olson, Ryan, Severson, Smith, Stephens, Stimatz, Story, Mr. President.
Total 43

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: Graham, McCallum, Regan, Thomas, Towe, Tveit, Van Valkenburg.
Total 7

Senator Story moved that the appointment of David Wanzenried, Helena, Montana, appointed to serve at the pleasure of the Governor as Acting Director of Community Affairs, in accordance with the Senate Resolution, be voted upon with the ayes and nays spread upon the Journal. Motion carried by the following vote:

Ayes: Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, Nelson, Norman, Ochsner, O'Hara, Olson, Ryan, Severson, Smith, Stephens, Stimatz, Story, Mr. President.
Total 42

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: Aklestad, Graham, McCallum, Regan, Thomas, Towe, Tveit, Van Valkenburg.
Total 8

Senator Story moved that the appointment of Gary Buchanan, Helena, Montana, appointed to serve at the pleasure of the Governor as acting Director of Business Regulation in accordance with the Senate Resolution, be voted upon with the ayes and nays spread upon the Journal. Motion carried by the following vote:

Ayes: Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Ryan, Severson, Smith, Stephens, Stimatz, Story, Mr. President.
Total 41

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: Aklestad, Goodover, Graham, Manley, Regan, Thomas, Towe, Tveit, Van Valkenburg.
Total 9

Senator Story moved that the appointment of Gary Buchanan, Helena, Montana, appointed to serve at the pleasure of the Governor as Director of the Department of Commerce in accordance with the Senate Resolution, be voted upon with the ayes and nays spread upon the Journal. Motion carried by the following vote:

Ayes: Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson,

Norman, Ochsner, O'Hara, Olson, Ryan, Severson, Smith, Stephens, Stimatz, Story, Mr. President.
Total 43

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: Aklestad, Graham, Regan, Thomas, Towe, Tveit, Van Valkenburg.
Total 7

Senator Story moved that the appointment of Morris L. Brussett, Helena, Montana, appointed to serve at the pleasure of the Governor as Director of Administration in accordance with the Senate Resolution, be voted upon with the ayes and nays spread upon the Journal. Motion carried by the following vote:

Ayes: Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Ryan, Severson, Smith, Stephens, Stimatz, Story, Mr. President.
Total 42

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: Aklestad, Graham, Manley, Regan, Thomas, Towe, Tveit, Van Valkenburg.
Total 8

Senator Story moved that the appointment of W. Gordon McOmber, Helena, Montana, reappointed to serve at the pleasure of the Governor as Director of the Department of Agriculture in accordance with the Senate Resolution, be voted upon with the ayes and nays spread upon the Journal. Motion carried by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Ryan, Severson, Smith, Stephens, Stimatz, Story, Mr. President.
Total 44

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: Graham, Regan, Thomas, Towe, Tveit, Van Valkenburg.
Total 6

Senator Story moved that the appointment of James Flynn, Helena, Montana, appointed to serve at the pleasure of the Governor as Director

of the Department of Fish, Wildlife and Parks in accordance with the Senate Resolution, be voted upon with the ayes and nays spread upon the Journal. Motion carried by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Johnson, Keating, Kolstad, Lee, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Ryan, Severson, Smith, Stephens, Stimatz, Story, Tveit, Mr. President.
Total 43

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: Graham, Jacobson, Manley, Regan, Thomas, Towe, Van Valkenburg.
Total 7

Senator Story moved that the appointment of Gary Wicks, Helena, Montana, appointed to serve at the pleasure of the Governor as Director of the Department of Highways in accordance with the Senate Resolution, be voted upon with the ayes and nays spread upon the Journal. Motion carried by the following vote:

Ayes: Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Dover, Eck, Elliott, Etchart, Galt, Goodover, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manning, Mazurek, McCallum, Nelson, Norman, O'Hara, Severson, Stephens, Towe, Stimatz, Mr. President.
Total 36

Noes: Aklestad, Hafferman, Manley, Ochsner, Olson, Ryan, Smith, Story, Tveit.
Total 9

Excused: None.
Total 0

Absent or not voting: Crippen, Graham, Regan, Thomas, Van Valkenburg.
Total 5

Senator Story moved that the appointment of Carroll V. South, Helena, Montana, appointed to serve at the pleasure of the Governor as Director of the Department of Institutions in accordance with the Senate Resolution, be voted upon with the ayes and nays spread upon the Journal. Motion carried by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Hafferman, Haffey, Hager, Halligan, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Tveit, Mr. President.
Total 44

Noes: None.
Total 0

Excused: None.

Total 0

Absent or not voting: Graham, Hammond, Manley, Regan, Towe, Van Valkenburg.
Total 6

Senator Story moved that the appointment of Colonel James Duffy, Helena, Montana, appointed to serve at the pleasure of the Governor as Adjutant General of Montana to head the Department of Military Affairs in accordance with the Senate Resolution, be voted upon with the ayes and nays spread upon the Journal. Motion carried by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Hafferman, Haffey, Hager, Halligan, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Tveit, Mr. President.
Total 44

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: Graham, Hammond, Manley, Regan, Towe, Van Valkenburg.
Total 6

Senator Story moved that the appointment of Leo Berry, Helena, Montana, appointed to serve at the pleasure of the Governor as Director of the Department of Natural Resources and Conservation in accordance with the Senate Resolution, be voted upon with the ayes and nays spread upon the Journal. Motion carried by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Hafferman, Haffey, Hager, Halligan, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Tveit, Mr. President.
Total 44

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: Graham, Hammond, Manley, Regan, Towe, Van Valkenburg.
Total 6

Senator Story moved that the appointment of Ed Carney, Helena, Montana, reappointed to serve at the pleasure of the Governor as Director of the Department of Professional and Occupational Licensing in accordance with the Senate Resolution, be voted upon with the ayes and nays spread upon the Journal. Motion carried by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Hafferman, Haffey, Hager, Halligan, Hazelbaker, Healy, Himsl, Jacobson,

Johnson, Keating, Kolstad, Lee, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Tveit, Van Valkenburg, Mr. President.
Total 45

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: Graham, Hammond, Manley, Regan, Towe.
Total 5

Senator Story moved that the appointment of Ellen J. Feaver, Helena, Montana, appointed to serve at the pleasure of the Governor as Director of the Department of Revenue in accordance with the Senate Resolution, be voted upon with the ayes and nays spread upon the Journal. Motion carried by the following vote:

Ayes: Anderson, Berg, Blaylock, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Hafferman, Haffey, Hager, Halligan, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manning, Mazurek, Nelson, Norman, Ochsner, O'Hara, Olson, Severson, Stephens, Stimatz, Story, Thomas, Tveit, Van Valkenburg, Mr. President.
Total 40

Noes: Aklestad, Boylan, Ryan, Smith.
Total 4

Excused: None.
Total 0

Absent or not voting: Graham, Hammond, Manley, McCallum, Regan, Towe.
Total 6

Senator Story moved that the appointment of John D. LaFaver, Helena, Montana, appointed to serve at the pleasure of the Governor as Director of the Department of Social and Rehabilitation Services in accordance with the Senate Resolution, be voted upon with the ayes and nays spread upon the Journal. Motion carried by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Hafferman, Haffey, Hager, Halligan, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Tveit, Van Valkenburg, Mr. President.
Total 45

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: Graham, Hammond, Manley, Regan, Towe.
Total 5

Senator Story moved that the appointment of Gareth C. Moon, Helena, Montana, appointed to serve at the pleasure of the Governor as Commissioner of the Department of State Lands in accordance with the Senate

Resolution, be voted upon with the ayes and nays spread upon the Journal. Motion carried by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Ryan, Severson, Smith, Stephens, Stimatz, Story, Tveit, Van Valkenburg, Mr. President.
Total 46

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: Graham, Regan, Thomas, Towe.
Total 4

Senator Story moved that the appointment of Laury Lewis, Helena, Montana, reappointed to serve at the pleasure of the Governor as Administrator of the Workers' Compensation Division of the Department of Labor and Industry in accordance with the Senate Resolution, be voted upon with the ayes and nays spread upon the Journal. Motion carried by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Ryan, Smith, Stephens, Stimatz, Story, Tveit, Van Valkenburg, Mr. President.
Total 45

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: Graham, Regan, Severson, Thomas, Towe.
Total 5

Senator Story moved that the appointment of Norvell A. Besinque, Billings, Montana, reappointed for a term ending July 1, 1981; Sherman H. Veltkamp, Bozeman, Montana, appointed for a term ending July 1, 1981; Jack R. Dobbins, Missoula, Montana, appointed for a term ending July 1, 1983; and Austin Miller, Kalispell, Montana, appointed for a term ending July 1, 1982, to serve at the pleasure of the Governor on the Board of Public Accountants in accordance with the Senate Resolution, be voted upon with the ayes and nays spread upon the Journal. Motion carried by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Ryan, Smith, Stephens, Story, Tveit, Van Vlkenburg, Mr. President.
Total 44

Noes: None.

Total 0

Excused: None.
Total 0

Absent or not voting: Graham, Regan, Severson, Stimatz, Thomas, Towe.
Total 6

Senator Story moved that the appointment of Bonita Blewett Donahue, Great Falls, Montana, appointed for a term ending July 1, 1982; and Harold C. Rose, Bozeman, Montana, appointed for a term ending March 27, 1983, to serve at the pleasure of the Governor on the Board of Architects in accordance with the Senate Resolution, be voted upon with the ayes and nays spread upon the Journal. Motion carried by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Ryan, Smith, Stephens, Story, Van Valkenburg, Mr. President.
Total 43

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: Graham, Regan, Severson, Stimatz, Thomas, Towe, Tveit.
Total 7

Senator Story moved that the appointment of Ceridwen Breen, Missoula, Montana, appointed for a term ending February 1, 1985; John H. Johnson, Glendive, Montana, appointed for a term ending February 1, 1985; Carolyn Valacich, Great Falls, Montana, appointed for a term ending February 1, 1985; Joanne Troxel, Bozeman, Montana, appointed for a term ending February 1, 1985; William P. Yellowtail, Wyola, Montana, appointed for a term ending February 1, 1982; and Lorill M. Driscoll, Butte, Montana, appointed for a term ending February 1, 1985, to serve at the pleasure of the Governor on the Arts Council in accordance with the Senate Resolution, be voted upon with the ayes and nays spread upon the Journal. Motion carried by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Ryan, Smith, Stephens, Story, Towe, Van Valkenburg, Mr. President.
Total 44

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: Graham, Regan, Severson, Stimatz, Thomas, Tveit.
Total 6

Senator Story moved that the appointment of James W. Connelly, Great Falls, Montana, appointed for a term ending July 1, 1983; E. E. Kuhns, Billings, Montana, appointed for a term ending July 1, 1982; Joe M. Taylor, Missoula, Montana, appointed for a term ending July 1, 1982; Herbert E. Richards, Bozeman, Montana, appointed for a term ending July 1, 1981; Rudy Tramelli, Great Falls, Montana, appointed for a term ending July 1, 1983; and D. E. Olsson, Ronan, Montana appointed for a term ending July 1, 1981, to serve at the pleasure of the Governor on the State Banking Board in accordance with the Senate Resolution, be voted upon with the ayes and nays spread upon the Journal. Motion carried by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Ryan, Severson, Smith, Stephens, Story, Van Valkenburg, Mr. President.
Total 43

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: Graham, Manley, Regan, Stimatz, Thomas, Towe, Tveit.
Total 7

Senator Story moved that the appointment of L. Margaret Krivec, Helena, Montana, appointed for a term ending January 1, 1987, to serve at the pleasure of the Governor as Commissioner of Campaign Finances and Practices in accordance with the Senate Resolution, be voted upon with the ayes and nays spread upon the Journal. Motion carried by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Ryan, Severson, Smith, Stephens, Story, Van Valkenburg, Mr. President.
Total 43

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: Graham, Manley, Regan, Stimatz, Thomas, Towe, Tveit.
Total 7

Senator Story moved that the appointment of Dale R. Tash, Dillon, Montana, appointed for a term ending January 1, 1983, to serve at the pleasure of the Governor on the Coal Board in accordance with the Senate Resolution, be voted upon with the ayes and nays spread upon the Journal. Motion carried by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover,

Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Ryan, Severson, Smith, Stephens, Story, Van Valkenburg, Mr. President.
Total 43

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: Graham, Manley, Regan, Stimatz, Thomas, Towe, Tveit.
Total 7

Senator Story moved that the appointment of John S. Henson, to serve until confirmed by the Senate, and thereafter until he or his successor is duly elected and qualified in accordance with the laws of the State of Montana, as District Judge for the Fourth Judicial District in accordance with the Senate Resolution, be voted upon with the ayes and nays spread upon the Journal. Motion carried by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Ryan, Severson, Smith, Stephens, Story, Van Valkenburg, Mr. President.
Total 43

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: Graham, Manley, Regan, Stimatz, Thomas, Towe, Tveit.
Total 7

Senator Story moved that the appointment of Mark P. Sullivan, to serve until confirmed by the Senate, and thereafter until he or his successor is duly elected and qualified in accordance with the laws of the State of Montana, as District Judge for the Second Judicial District in accordance with the Senate Resolution, be voted upon with the ayes and nays spread upon the Journal. Motion carried by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Ryan, Severson, Smith, Stephens, Story, Van Valkenburg, Mr. President.
Total 43

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: Graham, Manley, Regan, Stimatz, Thomas, Towe, Tveit.

Total 7

Senator Story moved that the appointment of William P. Speare, to serve until confirmed by the Senate, and thereafter until he or his successor is duly elected and qualified in accordance with the laws of the State of Montana as District Judge for the Thirteenth Judicial District in accordance with the Senate Resolution, be voted upon with the ayes and nays spread upon the Journal. Motion carried by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Ryan, Severson, Smith, Stephens, Story, Van Valkenburg, Mr. President.
Total 43

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: Graham, Manley, Regan, Stimatz, Thomas, Towe, Tveit.
Total 7

Senator Story moved that the appointment of Cathryn Jean Robocker, Kalispell, Montana, appointed for a term ending February 1, 1983; and Thomas A. Thompson, Browning, Montana, reappointed for a term ending February 1, 1987, to serve at the pleasure of the Governor on the Board of Public Education in accordance with the Senate Resolution, be voted upon with the ayes and nays spread upon the Journal. Motion carried by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Ryan, Severson, Smith, Stephens, Story, Van Valkenburg, Mr. President.
Total 43

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: Graham, Manley, Regan, Stimatz, Thomas, Towe, Tveit.
Total 7

Senator Story moved that the appointment of Albert Bersanti, Butte, Montana, appointed for a term ending July 1, 1984; and Charles S. Powell, Kalispell, Montana, appointed for a term ending July 1, 1985, to serve at the pleasure of the Governor on the State Electrical Board in accordance with the Senate Resolution, be voted upon with the ayes and nays spread upon the Journal. Motion carried by the following vote:

Ayes: Aklestad, Anderson, Berg, Boylan, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl,

Jacobson, Johnson, Keating, Kolstad, Lee, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Ryan, Severson, Smith, Stephens, Story, Van Valkenburg, Mr. President.
Total 43

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: Graham, Manley, Regan, Stimatz, Thomas, Towe, Tveit.
Total 7

Senator Story moved that the appointment of Paul Tihista, Glasgow, Montana, appointed for a term ending January 1, 1983, to serve at the pleasure of the Governor on the State Fish and Game Commission in accordance with the Senate Resolution, be voted upon with the ayes and nays spread upon the Journal. Motion carried by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Ryan, Severson, Smith, Stephens, Story, Thomas, Van Valkenburg, Mr. President.
Total 44

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: Graham, Manley, Regan, Stimatz, Towe, Tveit.
Total 6

Senator Story moved that the appointment of George Lackman, Missoula, Montana, appointed for a term ending January 1, 1983, to serve at the pleasure of the Governor on the Board of Health and Environmental Sciences in accordance with the Senate Resolution, be voted upon with the ayes and nays spread upon the Journal. Motion carried by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Eck, Elliott, Etchart, Galt, Goodover, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Keating, Lee, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Ryan, Severson, Smith, Stephens, Story, Thomas, Tveit, Van Valkenburg, Mr. President.
Total 42

Noes: Dover, Johnson.
Total 2

Excused: None.
Total 0

Absent or not voting: Graham, Kolstad, Manley, Regan, Stimatz, Towe.
Total 6

Senator Story moved that the appointment of Wilbur P. Werner, Cut Bank, Montana, appointed for a term ending July 1, 1984; Randall

Swanberg, Great Falls, Montana, appointed for a term ending July 1, 1984; William R. McKay, Roscoe, Montana, appointed for a term ending July 1, 1984; George W. O'Connor, Butte, Montana, appointed for a term ending July 1, 1983; Jay Contway, Great Falls, Montana, appointed for a term ending July 1, 1985; and James W. Reger, Billings, Montana, appointed for a term ending July 1, 1985, to serve at the pleasure of the Governor on the Board of Trustees of the State Historical Society in accordance with the Senate Resolution, be voted upon with the ayes and nays spread upon the Journal. Motion carried by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Ryan, Severson, Smith, Stephens, Story, Thomas, Tveit, Van Valkenburg, Mr. President.
Total 45

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: Graham, Manley, Regan, Stimatz, Towe.
Total 5

Senator Story moved that the appointment of James E. Edwards, Billings, Montana, reappointed for a term ending January 16, 1983; and Richard W. Heard, Columbus, Montana reappointed for a term ending January 16, 1983, to serve at the pleasure of the Governor on the Board of Horse Racing in accordance with the Senate Resolution, be voted upon with the ayes and nays spread upon the Journal. Motion carried by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manning, Mazurek, Nelson, Norman, Ochsner, O'Hara, Olson, Ryan, Severson, Smith, Stephens, Story, Thomas, Tveit, Van Valkenburg, Mr. President.
Total 44

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: Graham, Manley, McCallum, Regan, Stimatz, Towe.
Total 6

Senator Story moved that the appointment of Joseph B. Reber, Helena, Montana, appointed for a term ending January 1, 1983, to serve at the pleasure of the Governor on the Board of Investments in accordance with the Senate Resolution, be voted upon with the ayes and nays spread upon the Journal. Motion carried by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Johnson, Keating, Lee, Manley, Mazurek, McCallum, Nelson, Ochsner, O'Hara,

Olson, Ryan, Severson, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Mr. President.
Total 41

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: B. Brown, Jacobson, Kolstad, Manning, Norman, Regan, Smith, Tveit, Van Valkenburg.
Total 9

Senator Story moved that the appointment of Henry H. Gary, Jr., M.D., Missoula, Montana, appointed for a term ending September 1, 1984; E. E. Bertagnelli M.D., Three Forks, Montana, appointed for a term ending September 1, 1986; and Thomas J. Malee, M.D. Glendive, Montana, reappointed for a term ending September 1, 1987, to serve at the pleasure of the Governor on the State Board of Medical Examiners in accordance with the Senate Resolution, be voted upon with the ayes and nays spread upon the Journal. Motion carried by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Johnson, Keating, Kolstad, Lee, Manley, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Ryan, Severson, Stephens, Stimatz, Story, Thomas, Towe, Van Valkenburg, Mr. President.
Total 45

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: Jacobson, Manning, Regan, Smith, Tveit.
Total 5

Senator Story moved that the appointment of Vernon H. Vial, Great Falls, Montana, reappointed for a term ending July 1, 1984; and Lorene L. Johnson, Kalispell, Montana, reappointed for a term ending July 1, 1985, to serve at the pleasure of the Governor on the Board of Morticians in accordance with the Senate Resolution, be voted upon with the ayes and nays spread upon the Journal. Motion carried by the following vote:

Ayes: Aklestad, Anderson, Berg, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Johnson, Keating, Kolstad, Lee, Manley, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Ryan, Severson, Stephens, Stimatz, Story, Thomas, Towe, Van Valkenburg, Mr. President.
Total 44

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: Blaylock, Jacobson, Manning, Regan, Smith, Tveit.
Total 6

Senator Story moved that the appointment of John M. Sheehy, Big Sandy, Montana, appointed for a term ending January 1, 1983, to serve at the pleasure of the Governor on the Board of Oil and Gas Conservation in accordance with the Senate Resolution, be voted upon with the ayes and nays spread upon the Journal. Motion carried by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Ochsner, O'Hara, Olson, Ryan, Severson, Stephens, Stimatz, Story, Thomas, Van Valkenburg.
Total 43

Noes: Norman.
Total 1

Excused: None.
Total 0

Absent or not voting: Jacobson, Regan, Smith, Towe, Tveit, Mr. President.
Total 6

Senator Story moved that the appointment of Mary Jo Oreskovich, Anaconda, Montana, appointed for a term ending January 1, 1983, to serve at the pleasure of the Governor on the Board of Personnel Appeals in accordance with the Senate Resolution, be voted upon with the ayes and nays spread upon the Journal. Motion carried by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Ryan, Severson, Stephens, Stimatz, Story, Thomas, Towe, Van Valkenburg, Mr. President.
Total 46

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: Manning, Regan, Smith, Tveit.
Total 4

Senator Story moved that the appointment of Marie Anderson, Billings, Montana, reappointed for a term ending May 9, 1984; A. Tom Lund, Sr., Hamilton, Montana, appointed for a term ending May 9, 1981; Patricia Raundal, Helena, Montana, appointed for a term ending May 9, 1983; Dexter Delaney, Missoula, Montana, appointed for a term ending May 9, 1983; and George Pierce, Billings, Montana, appointed for a term ending May 9, 1982, to serve at the pleasure of the Governor on the Board of Realty Regulation in accordance with the Senate Resolution, be voted upon with the ayes and nays spread upon the Journal. Motion carried by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek,

Nelson, Norman, Ochsner, O'Hara, Olson, Ryan, Severson, Stephens, Stimatz, Story, Thomas, Towe, Van Valkenburg, Mr. President.
Total 45

Noes: Eck.
Total 1

Excused: None.
Total 0

Absent or not voting: McCallum, Regan, Smith, Tveit.
Total 4

Senator Story moved that the appointment of Jeffrey B. Morrison, Helena, Montana, reappointed for a term ending February 1, 1987, to serve at the pleasure of the Governor on the Board of Regents of Higher Education in accordance with the Senate Resolution, be voted upon with the ayes and nays spread upon the Journal. Motion carried by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Ryan, Severson, Stephens, Stimatz, Story, Thomas, Towe, Van Valkenburg.
Total 45

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: Manning, Regan, Smith, Tveit, Mr. President.
Total 5

Senator Story moved that the appointment of W. J. Lindsay, Clancy, Montana, reappointed for a term ending July 1, 1982; and T. F. Benes, Billings, Montana, reappointed for a term ending July 1, 1983, to serve at the pleasure of the Governor on the Board of Water Well Contractors in accordance with the Senate Resolution, be voted upon with the ayes and nays spread upon the Journal. Motion carried by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Ryan, Severson, Stephens, Stimatz, Story, Thomas, Towe, Van Valkenburg, Mr. President.
Total 47

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: Regan, Smith, Tveit.
Total 3

Senator Story moved that the appointment of Dan Oakland, Great Falls, Montana, appointed for a term ending January 7, 1985; Don Bailey,

Forsyth, Montana, appointed for a term ending January 7, 1985; and Earl L. Sherron, Missoula, Montana, reappointed for a term ending January 7, 1985, to serve at the pleasure of the Governor on the State Fish and Game Commission in accordance with the Senate Resolution, be voted upon with the ayes and nays spread upon the Journal. Motion carried by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Ryan, Severson, Stephens, Stimatz, Story, Thomas, Towe, Van Valkenburg, Mr. President.
Total 46

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: Hazelbaker, Regan, Smith, Tveit.
Total 4

Senator Story moved that the appointment of Margery Brown, Missoula, Montana, appointed for a term ending January 7, 1985; Angelina Vallejo Cormier, Billings, Montana appointed for a term ending January 7, 1985; and Bernard F. Christiaens, Great Falls, Montana, appointed for a term ending January 7, 1985, to serve at the pleasure of the Governor on the Commission for Human Rights in accordance with the Senate Resolution, be voted upon with the ayes and nays spread upon the Journal. Motion carried by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Ryan, Severson, Stephens, Stimatz, Story, Thomas, Towe, Van Valkenburg, Mr. President.
Total 46

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: Hazelbaker, Regan, Smith, Tveit.
Total 4

Senator Story moved that the appointment of Tennie Bottomly, Belgrade, Montana, appointed for a term ending January 7, 1985, Edwin Zaidlicz, Billings, Montana, appointed for a term ending January 7, 1985; Dr. Kenneth Lee, Scobey, Montana, appointed for a term ending January 7, 1985; and Dr. Raymond Grondahl, Butte, Montana, reappointed for a term ending January 7, 1985, to serve at the pleasure of the Governor on the Board of Health and Environmental Sciences in accordance with the Senate Resolution, be voted upon with the ayes and nays spread upon the Journal. Motion carried by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham,

Hafferman, Haffey, Hager, Halligan, Hammond, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Ryan, Severson, Stephens, Stimatz, Story, Thomas, Towe, Van Valkenburg, Mr. President.
Total 46

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: Hazelbaker, Regan, Smith, Tveit.
Total 4

Senator Story moved that the appointment of Land Lindbergh, Greenough, Montana, appointed for a term ending January 7, 1985; Charles L. Hash, Kalispell, Montana, reappointed for a term ending January 7, 1985; Richard Spalding, Billings, Montana, appointed for a term ending January 7, 1985; and Cecil Weeding, Jordan, Montana, reappointed for a term ending January 7, 1985, to serve at the pleasure of the Governor on the Board of Natural Resources and Conservation in accordance with the Senate Resolution, be voted upon with the ayes and nays spread upon the Journal. Motion carried by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Healy, Himsl, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Ryan, Severson, Stephens, Stimatz, Story, Thomas, Towe, Van Valkenburg, Mr. President.
Total 45

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: Hazelbaker, Jacobson, Regan, Smith, Tveit.
Total 5

Senator Story moved that the appointment of Ralph J. Parker, Fort Shaw, Montana, reappointed for a term ending March 1, 1987; Donald L. Herzog, Rapelje, Montana, reappointed for a term ending March 1, 1987; and John Kelly, Red Lodge, Montana, appointed for a term ending March 1, 1987, to serve at the pleasure of the Governor on the Board of Livestock in accordance with the Senate Resolution, be voted upon with the ayes and nays spread upon the Journal. Motion carried by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Ryan, Severson, Stephens, Stimatz, Story, Thomas, Towe, Van Valkenburg, Mr. President.
Total 46

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: Jacobson, Regan, Smith, Tveit.
Total 4

Senator Story moved that the appointment of Kenneth Mortag, Cascade, Montana, reappointed for a term ending January 7, 1985; Bobbye W. Johnson, Miles City, Montana, reappointed for a term ending January 7, 1985; and Evelyn Itcaina, Dodson, Montana appointed for a term ending January 7, 1985, to serve at the pleasure of the Governor on the Board of Milk Control in accordance with the Senate Resolution, be voted upon with the ayes and nays spread upon the Journal. Motion carried by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Ryan, Severson, Stephens, Story, Thomas, Towe, Van Valkenburg, Mr. President.
Total 46

Noes: Stimatz.
Total 1

Excused: None.
Total 0

Absent or not voting: Regan, Smith, Tveit.
Total 3

Senator Story moved that the appointment of Arthur R. Schauer, Libby, Montana, appointed for a term ending February 1, 1982; and Majorie W. King, Winnett, Montana, reappointed for a term ending February 1, 1988, to serve at the pleasure of the Governor on the Board of Public Education in accordance with the Senate Resolution, be voted upon with the ayes and nays spread upon the Journal. Motion carried by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, Nelson, Norman, Ochsner, O'Hara, Olson, Ryan, Severson, Stephens, Stimatz, Story, Thomas, Towe, Mr. President.
Total 45

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: McCallum, Regan, Smith, Tveit, Van Valkenburg.
Total 5

Senator Story moved that the appointment of Paul M. Foster, Billings, Montana, appointed for a term ending January 7, 1985; Ilert Hellebust, Havre, Montana, appointed for a term ending January 7, 1985; and John Sullivan, Livingston, Montana, appointed for a term ending January 7, 1985, to serve at the pleasure of the Governor on the Highway Commission in accordance with the Senate Resolution, be voted upon with the ayes and nays spread upon the Journal. Motion carried by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham,

Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Severson, Stephens, Stimatz, Story, Thomas, Towe, Mr. President.
Total 45

Noes: Ryan.
Total 1

Excused: None.
Total 0

Absent or not voting: Regan, Smith, Tveit, Van Valkenburg.
Total 4

Senator Story moved that the appointment of Jerome C. Overmire, Helena, Montana, appointed for a term ending January 7, 1985; and Michael J. Whalen, Billings, Montana, reappointed for a term ending January 7, 1985, to serve at the pleasure of the Governor on the Board of Labor Appeals in accordance with the Senate Resolution, be voted upon with the ayes and nays spread upon the Journal. Motion carried by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Severson, Stephens, Stimatz, Story, Thomas, Towe, Van Valkenburg, Mr. President.
Total 44

Noes: Dover, Johnson.
Total 2

Excused: None.
Total 0

Absent or not voting: Regan, Ryan, Smith, Tveit.
Total 4

Senator Story moved that the appointment of Antoinette R. Hagener, Havre, Montana, reappointed for a term ending July 1, 1985, and Dale V. McGarvey, Kalispell, Montana, appointed for a term ending July 1, 1981, to serve at the pleasure of the Governor on the Board of Trustees of the State Historical Society in accordance with the Senate Resolution, be voted upon with the ayes and nays spread upon the Journal. Motion carried by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, Nelson, Norman, O'Hara, Olson, Ryan, Severson, Stephens, Stimatz, Story, Thomas, Towe, Van Valkenburg, Mr. President.
Total 45

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: McCallum, Ochsner, Regan, Smith, Tveit.

Total 5

Senator Story moved that the appointment of Susan M. Talbot, Missoula, Montana, appointed for a term ending February 1, 1983, to serve at the pleasure of the Governor on the Montana Arts Council in accordance with the Senate Resolution, be voted upon with the ayes and nays spread upon the Journal. Motion carried by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, O'Hara, Olson, Ryan, Severson, Stephens, Stimatz, Story, Thomas, Towe, Van Valkenburg, Mr. President.
Total 46

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: Ochsner, Regan, Smith, Tveit.
Total 4

Senator Story moved that the appointment of Gerald H. Mueller, Helena, Montana, and Keith L. Colbo, Helena, Montana, appointed to serve at the pleasure of the Governor on the Pacific Northwest Electric Power and Conservation Planning Council in accordance with the Senate Resolution, be voted upon with the ayes and nays spread upon the Journal. Motion carried by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, O'Hara, Olson, Severson, Stephens, Story, Thomas, Towe, Van Valkenburg, Mr. President.
Total 44

Noes: Stimatz.
Total 1

Excused: None.
Total 0

Absent or not voting: Ochsner, Regan, Ryan, Smith, Tveit.
Total 5

At the request of the President, and without objection, the Senate reverted to Order of Business No. 2.

REPORTS OF STANDING COMMITTEES

FINANCE AND CLAIMS (Himsl, Chairman):
HB 840, be concurred in. Report adopted.

MOTIONS

Senator Stephens moved, duly carried, that the Conference Committee appointed to confer on House Amendments to Senate Bill No. 33 be dissolved, and that the President be authorized to appoint a Free Conference Committee.

The President appointed the following committee:

Senator Goodover, Chairman
Senator Olson
Senator Mazurek

Senator Stephens moved, duly carried, that the Free Conference Committee Report on Senate Amendments to House Bill No. 200 be taken from Third Reading and rereferred to the Conference Committee.

Senator Stephens moved that the Joint Rules of the Forty-seventh Legislative Session be temporarily suspended in order to place House Bill No. 840 on Second Reading this day. Motion carried by the following vote:

Ayes: Aklestad, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Olson, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 45

Noes: None.
Total 0

Excused: Regan.
Total 1

Absent or not voting: Anderson, Ochsner, O'Hara, Ryan.
Total 4

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Etchart in the Chair.

Senate resumed. President Turnage in the Chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on Second Reading, recommend as follows:

That House Bill No. 840 be concurred in by the following vote:

Ayes: Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Eck, Etchart, Graham, Hafferman, Haffey, Hager, Halligan, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Regan, Ryan, Severson, Stephens, Stimatz, Story, Thomas, Towe, Van Valkenburg, Mr. President.
Total 38

Noes: Aklestad, Dover, Elliott, Galt, Goodover, Hammond, Kolstad, Lee, Manley, Olson, Smith, Tveit.
Total 12

Excused: None.
Total 0

Absent or not voting: None.
Total 0

That the Committee rise and report and beg leave to sit again. (Etchart, Chairman)

Upon motion of Senator Etchart, duly carried, the foregoing Report of the Committee of the Whole was adopted.

At the request of the President, and without objection, the Senate reverted to Order of Business No. 6.

MOTIONS

Senator Stephens moved that the Joint Rules of the Forty-seventh Legislative Session be temporarily suspended in order to place House Bill No. 840 on Third Reading this day. Motion carried by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: Manley, Smith.
Total 2

THIRD READING OF BILLS

The following bill having been read three several times, title and history agreed to, was disposed of in the following manner:

House Bill No. 840 was concurred in by the following vote:

Ayes: Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Eck, Etchart, Galt, Graham, Hafferman, Haffey, Hager, Halligan, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Manning, Mazurek, McCallum, Nelson, Norman, O'Hara, Olson, Regan, Ryan, Severson, Stephens, Stimatz, Story, Thomas, Towe, Van Valkenburg, Mr. President.
Total 39

Noes: Aklestad, Dover, Elliott, Goodover, Hammond, Kolstad, Lee, Manley, Ochsner, Smith, Tveit.
Total 11

Excused: None.
Total 0

Absent or not voting: None.
Total 0

At the request of the President, and without objection, the Senate reverted to Order of Business No. 2.

REPORTS OF STANDING COMMITTEES

BILLS (O'Hara, Chairman):

Signed by the Speaker of the House and President of the Senate, 4/16/81, at the hour of 11:45 a.m., delivered to the Governor for his approval SB 107, SB 115, SB 300, SB 305, SB 335, SB 341, SB 381, SB 392, SB 442, SB 449, SB 458, SB 463, SB 479. Report adopted.

Correctly enrolled - SB 475, SJR 28. Report adopted.

I have examined Senate Bill No. 475 introduced by me and find the same to be correct. (Mazurek)

I have examined Senate Joint Resolution No. 28 introduced by me and find the same to be correct. (Himsl)

The Senate will please take note that the President did, at the hour of 2:00 p.m., 4/16/81, sign the following bills:
SB 475, HB 307, HB 560, HB 800, HB 853, SJR 28, HJR 54.

Jean A. Turnage
President

FINANCE AND CLAIMS (Himsl, Chairman):
HB 63, be concurred in. Report adopted.
HB 859, be concurred in. Report adopted.

JUDICIARY (Anderson, Chairman):
HJR 64, be concurred in. Report adopted.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

House Bill No. 27 was concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: Manley, Story.
Total 2

House Bill No. 45 was concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

House Bill No. 580 was concurred in by the following vote:

Ayes: Anderson, Berg, Blaylock, B. Brown, S. Brown, Conover, Crippen, Eck, Elliott, Etchart, Graham, Haffey, Halligan, Hazelbaker, Healy,

Jacobson, Johnson, Keating, Kolstad, Manning, Mazurek, McCallum, Norman, Regan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Van Valkenburg, Mr. President.
Total 33

Noes: Aklestad, Boylan, Dover, Galt, Goodover, Hafferman, Hager, Hammond, Manley, Nelson, Ochsner, O'Hara, Olson, Ryan, Tveit.
Total 15

Excused: None.
Total 0

Absent or not voting: Himsl, Lee.
Total 2

House Bill No. 674 was concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manning, Mazurek, McCallum, Nelson, Norman, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 47

Noes: Hammond, Manley, Ochsner.
Total 3

Excused: None.
Total 0

Absent or not voting: None.
Total 0

House Bill No. 810 was concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

House Bill No. 851 was concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: McCallum.
Total 1

House Joint Resolution No. 20 was concurred in by the following vote:

Ayes: Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Eck, Elliott, Etchart, Graham, Hafferman, Haffey, Hager, Halligan, Hazelbaker, Healy, Jacobson, Johnson, Keating, Kolstad, Manley, Manning, Mazurek, McCallum, Norman, Ochsner, O'Hara, Olson, Regan, Severson, Stephens, Stimatz, Story, Thomas, Towe, Van Valkenburg, Mr. President.
Total 39

Noes: Aklestad, Dover, Galt, Goodover, Hammond, Lee, Nelson, Ryan, Smith, Tveit.
Total 10

Excused: None.
Total 0

Absent or not voting: Himsl.
Total 1

House Joint Resolution No. 26 was concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Eck, Elliott, Etchart, Graham, Hafferman, Haffey, Hager, Halligan, Hazelbaker, Healy, Jacobson, Johnson, Keating, Kolstad, Lee, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Severson, Stephens, Stimatz, Story, Thomas, Van Valkenburg, Mr. President.
Total 40

Noes: Dover, Galt, Goodover, Hammond, Himsl, Manley, Ryan, Smith, Towe, Tveit.
Total 10

Excused: None.
Total 0

Absent or not voting: None.
Total 0

House Joint Resolution No. 46 was concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, S. Brown, Conover, Crippen, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Jacobson, Johnson, Keating, Kolstad, Lee, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Tveit, Van Valkenburg, Mr. President.
Total 44

Noes: B. Brown, Dover, Himsl, Manley, Ryan, Towe.
Total 6

Excused: None.
Total 0

Absent or not voting: None.
Total 0

House Joint Resolution No. 51 was concurred in by the following vote:

Ayes: Aklestad, Anderson, Blaylock, Boylan, Conover, Dover, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Hazelbaker, Healy, Jacobson, Johnson, Keating, Lee, Manning, Mazurek, McCallum, Norman, Ochsner, O'Hara, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Mr. President.
Total 35

Noes: Berg, B. Brown, S. Brown, Crippen, Eck, Halligan, Hammond, Himsl, Kolstad, Manley, Nelson, Olson, Regan, Ryan, Van Valkenburg.
Total 15

Excused: None.
Total 0

Absent or not voting: None.
Total 0

House Joint Resolution No. 59 was concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

House Joint Resolution No. 62 was concurred in by the following vote:

Ayes: Anderson, Berg, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Jacobson, Kolstad, Lee, Manning, Mazurek, Norman, Regan, Ryan, Severson, Smith, Story, Thomas, Towe, Van Valkenburg, Mr. President.
Total 34

Noes: Aklestad, Blaylock, Galt, Goodover, Himsl, Johnson, Keating, Manley, McCallum, Nelson, Ochsner, O'Hara, Olson, Stephens, Stimatz, Tveit.
Total 16

Excused: None.
Total 0

Absent or not voting: None.
Total 0

House Joint Resolution No. 63 was concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, Conover, Crippen, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hazelbaker, Healy, Jacobson, Keating, Lee, Manning, Mazurek, McCallum, Norman, Ochsner, O'Hara, Olson, Regan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Mr. President.
Total 39

Noes: S. Brown, Dover, Hammond, Himsl, Johnson, Kolstad, Manley, Nelson, Ryan, Tveit, Van Valkenburg.
Total 11

Excused: None.
Total 0

Absent or not voting: None.
Total 0

House Amendments to Senate Bill No. 17 were concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

House Amendments to Senate Bill No. 19 were concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Towe, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: Thomas.
Total 1

House Amendments to Senate Bill No. 409 were concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham,

Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

House Amendments to Senate Bill No. 422 were concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

House Amendments to Senate Joint Resolution No. 25 were concurred in by the following vote:

Ayes: Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 47

Noes: Aklestad, Hammond, Ryan.
Total 3

Excused: None.
Total 0

Absent or not voting: None.
Total 0

House Amendments to Senate Joint Resolution No. 27 were concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson,

Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 43

Noes: S. Brown, Hammond, Regan, Ryan.
Total 4

Excused: None.
Total 0

Absent or not voting: Conover, Hazelbaker, Mazurek.
Total 3

House Amendments to Senate Joint Resolution No. 29 were concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

The Conference Committee Report on Senate Bill No. 152 was adopted by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: Elliott, Ryan.
Total 2

Excused: None.
Total 0

Absent or not voting: None.
Total 0

The Free Conference Committee Report on Senate Bill No. 253 was adopted by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Healy, Himsl, Jacobson, Johnson, Keating, Lee, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg.

Total 44

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: S. Brown, Hazelbaker, Kolstad, Manley, Olson, Mr. President.
Total 6

The Free Conference Committee Report on Senate Bill No. 320 was adopted by the following vote:

Ayes: Aklestad, Anderson, Berg, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Kolstad, Lee, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Mr. President.
Total 45

Noes: Keating, Manley, Smith.
Total 3

Excused: None.
Total 0

Absent or not voting: Blaylock, Van Valkenburg.
Total 2

The Conference Committee Report on House Bill No. 26 was adopted by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

The Conference Committee Report on House Bill No. 135 was adopted by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, McCallum, Nelson, Norman, O'Hara, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Van Valkenburg.
Total 43

Noes: Mazurek, Tveit.
Total 2

Excused: None.
Total 0

Absent or not voting: Hafferman, Manning, Ochsner, Olson, Mr. President.
Total 5

The Conference Committee Report on House Bill No. 270 was adopted by the following vote:

Ayes: Anderson, Berg, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 44

Noes: Aklestad, Blaylock, Boylan, Hafferman, Manley, Ryan.
Total 6

Excused: None.
Total 0

Absent or not voting: None.
Total 0

The Free Conference Committee Report on House Bill No. 336 was adopted by the following vote:

Ayes: Aklestad, Anderson, Berg, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: Blaylock.
Total 1

The Free Conference Committee Report on House Bill No. 488 was adopted by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.

Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

The Free Conference Committee Report on House Bill No. 642 was adopted by the following vote:

Ayes: Aklestad, Anderson, Blaylock, Boylan, B. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Mr. President.
Total 46

Noes: Berg, S. Brown, Halligan, Van Valkenburg.
Total 4

Excused: None.
Total 0

Absent or not voting: None.
Total 0

At the request of the President, and without objection, the Senate reverted to Order of Business No. 6.

MOTIONS

Senator Stephens moved, duly carried, that the Senate recess at the hour of 2:47 p.m. until the hour of 3:15 p.m.

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Etchart in the Chair.

Senate resumed. President Pro Tempore Kolstad in the Chair.

Mr. President Pro Tempore: We, your Committee of the Whole, having had under consideration business on Second Reading, recommend as follows:

Senator Etchart relinquished the Chair.

Senator Lee assumed the Chair.

That House Bill No. 828, without objection, be placed at the top of the board.

Senator Lee relinquished the Chair.

Senator Etchart assumed the Chair.

That House Bill No. 828 be amended as follows:

1. Page 1, line 15.
Following: line 14
Strike: "$300,000"
Insert: "$500,000"

Amendment passed by the following vote:

Ayes: Aklestad, Anderson, Berg, B. Brown, S. Brown, Conover, Dover, Eck, Elliott, Galt, Goodover, Graham, Hafferman, Haffey, Halligan, Hammond, Hazelbaker, Healy, Jacobson, Kolstad, Lee, Manning, Mazurek, Nelson, Norman, Ochsner, O'Hara, Olson, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe.
Total 36

Noes: Crippen, Etchart, Hager, Himsl, Johnson, Manley, McCallum.
Total 7

Excused: None.
Total 0

Absent or not voting: Blaylock, Boylan, Keating, Regan, Tveit, Van Valkenburg, Mr. President.
Total 7

That House Bill No. 828, as amended, be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Healy, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

That House Bill No. 609 be amended as follows:

1. Page 4, line 1.
Strike: "10%"
Insert: "equal percentages"

2. Page 4, line 12.
Following: "(B) THE"
Strike: "ELECTORS"
Insert: "governing body"

3. Page 4, line 13.
Following: "AT"
Strike: "A GENERAL ELECTION"
Insert: "any time"

4. Page 4, line 14.
Following: "PREVIOUSLY"
Strike: "RECEIVED"
Insert: "qualified"

Amendments passed by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl,

Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

That House Bill No. 609, as amended, be concurred in by the following vote:

Ayes: Anderson, Berg, B. Brown, S. Brown, Conover, Eck, Etchart, Galt, Goodover, Hafferman, Haffey, Hager, Hammond, Hazelbaker, Healy, Jacobson, Kolstad, Lee, Manning, Mazurek, Norman, O'Hara, Ryan.
Total 23

Noes: Aklestad, Dover, Elliott, Himsl, Johnson, Keating, Manley, Nelson, Ochsner, Olson, Severson, Story, Tveit.
Total 13

Excused: None.
Total 0

Absent or not voting: Blaylock, Boylan, Crippen, Graham, Halligan, McCallum, Regan, Smith, Stephens, Stimatz, Thomas, Towe, Van Valkenburg, Mr. President.
Total 14

That House Amendments to Senate Bill No. 77 be not concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

That the Free Conference Committee Report on Senate Bill No. 399 be adopted by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan,

Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

That House Bill No. 42 be amended as follows:

1. Page 3, line 9.
Following: "section"
Strike: "on"
Insert: "which is derived from gain on the sale or exchange of property described in sections 1231, 1245, and 1250, of the Internal Revenue Code to the extent that this gain is treated as capital gain under these sections or which is from"

Amendment passed by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

That House Bill No. 42, as amended, be concurred in. Motion failed by the following vote:

Ayes: Anderson, Boylan, Etchart, Galt, Goodover, Hafferman, Hager, Hazelbaker, Healy, Johnson, Kolstad, Lee, McCallum, Ochsner, O'Hara, Severson, Story.
Total 17

Noes: Aklestad, Berg, Blaylock, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Graham, Haffey, Hammond, Himsl, Jacobson, Keating, Manley, Manning, Mazurek, Nelson, Olson, Regan, Ryan, Smith, Stephens, Stimatz, Towe, Tveit, Van Valkenburg, Mr. President.
Total 30

Excused: None.
Total 0

Absent or not voting: Halligan, Norman, Thomas.
Total 3

That House Bill No. 42 be indefinitely postponed. Motion carried by the following vote:

Ayes: Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Graham, Haffey, Hager, Hammond, Hazelbaker, Healy, Jacobson, Keating, Manley, Manning, Mazurek, Regan, Smith, Stimatz, Thomas, Towe, Van Valkenburg.
Total 28

Noes: Aklestad, Galt, Goodover, Himsl, Johnson, Kolstad, Lee, McCallum, Nelson, Ochsner, O'Hara, Ryan, Severson, Story.
Total 14

Excused: None.
Total 0

Absent or not voting: Anderson, Hafferman, Halligan, Norman, Olson, Stephens, Tveit, Mr. President.
Total 8

That House Bill No. 397 pass consideration. Unanimously passed.

That House Bill No. 676 be concurred in by the following vote:

Ayes: Berg, Blaylock, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Galt, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Regan, Severson, Stephens, Stimatz, Thomas, Towe, Van Valkenburg.
Total 38

Noes: Aklestad, Boylan, Etchart, Goodover, Olson, Ryan, Smith, Story, Tveit.
Total 9

Excused: None.
Total 0

Absent or not voting: Anderson, Manning, Mr. President.
Total 3

That House Bill No. 709 be amended as follows:

1. Page 3, line 25.
Strike: "$350,000"
Insert: "$200,000"

2. Page 4, line 4.
Strike: "$350,000"
Insert: "$200,000"

3. Page 5, line 4.
Following: line 3
Insert: "(19) a grant to the Teton Ridge water association to establish a rural water delivery system for domestic and livestock use: $150,000;"
Renumber: subsequent subsection

Amendments passed by the following vote:

Ayes: Aklestad, Anderson, Conover, Crippen, Elliott, Etchart, Galt, Goodover, Hafferman, Haffey, Hammond, Hazelbaker, Healy, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Ochsner, O'Hara, Olson, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Tveit.
Total 34

Noes: Berg, Blaylock, Boylan, B. Brown, S. Brown, Dover, Eck, Halligan, Himsl, Norman, Regan, Towe, Van Valkenburg, Mr. President.
Total 14

Excused: None.
Total 0

Absent or not voting: Graham, Hager.
Total 2

That House Bill No. 709, as amended, be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: Regan.
Total 1

Excused: None.
Total 0

Absent or not voting: None.
Total 0

That House Bill No. 718 be amended as follows:

That the following amendment of the Senate Standing Committee on Taxation of April 15, 1981, be amended to read as follows:

37. Page 16, line 19.
Following: "YEAR"
Insert: "for that local government unit. Any local government unit not receiving a payment shall not be affected by this section and no reduction in value shall be used in the computation of taxes due that unit of local government. In no event shall the credit allowed under this act extend more than 10 years beyond the date the prepayment is made under this section."

Amendment passed by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

That House Bill No. 718 be amended. Motion failed by the following vote:

Ayes: Berg, Blaylock, B. Brown, S. Brown, Conover, Crippen, Eck, Haffey, Hager, Halligan, Himsl, Norman, Ochsner, Olson, Regan, Towe, Van Valkenburg.
Total 16

Noes: Aklestad, Anderson, Boylan, Conover, Dover, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Hammond, Hazelbaker, Healy, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, O'Hara, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Tveit.
Total 33

Excused: None.
Total 0

Absent or not voting: Mr. President.
Total 1

That House Bill No. 718 be amended. Motion failed by the following vote:

Ayes: Berg, Blaylock, B. Brown, Conover, Crippen, Eck, Graham, Halligan, Himsl, Norman, Ochsner, Regan, Ryan, Stimatz, Towe, Van Valkenburg, Mr. President.
Total 17

Noes: Aklestad, Anderson, Boylan, S. Brown, Dover, Elliott, Etchart, Galt, Goodover, Hafferman, Haffey, Hager, Hammond, Hazelbaker, Healy, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, O'Hara, Olson, Severson, Smith, Stephens, Story, Thomas, Tveit.
Total 33

Excused: None.
Total 0

Absent or not voting: None.
Total 0

That House Bill No. 718 be amended as follows:

1. Page 4, line 11.
Following: "paid"
Strike: "$50"
Insert: "$25"

Amendment passed by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.

Total 0

Absent or not voting: None.
Total 0

That House Bill No. 718 pass consideration. Motion carried by the following vote:

Ayes: Berg, Blaylock, B. Brown, S. Brown, Conover, Dover, Eck, Elliott, Galt, Haffey, Halligan, Hazelbaker, Himsl, Jacobson, Johnson, Keating, Manley, Manning, Mazurek, McCallum, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Stimatz, Story, Towe, Tveit, Van Valkenburg, Mr. President.
Total 32

Noes: Aklestad, Anderson, Boylan, Crippen, Etchart, Goodover, Graham, Hafferman, Hager, Hammond, Healy, Kolstad, Lee, Nelson, Severson, Smith, Stephens, Thomas.
Total 18

Excused: None.
Total 0

Absent or not voting: None.
Total 0

That the Committee rise and report. (Etchart, Chairman)

Upon motion of Senator Etchart, duly carried, the foregoing Report of the Committee of the Whole was adopted.

At the request of the President, and without objection, the Senate reverted to Order of Business No. 2.

REPORTS OF STANDING COMMITTEES

I have examined Senate Joint Resolution No. 10 introduced by me and find the same to be correct. (Norman)

BILLS (O'Hara, Chairman):
Correctly enrolled - SJR 10. Report adopted.

Signed by the Speaker of the House and President of the Senate, 4/16/81, at the hour of 3:30 p.m., delivered to the Governor for his approval - SB 475. Report adopted.

The Senate will please take note that the President did, at the hour of 3:30 p.m., 4/16/81, sign the following bills:
HB 840, SJR 10.

Jean A. Turnage
President

REPORTS OF SELECT COMMITTEES

FREE CONFERENCE COMMITTEE
ON SENATE BILL NO. 50
Report No. 1, April 15, 1981

MR. PRESIDENT AND SPEAKER OF THE HOUSE:

We, your Free Conference Committee on Senate Bill No. 50, met April 15, 1981, and considered:

House Local Government Committee Amendments to the third reading copy, dated March 26, 1981, and;

House Committee of the Whole Amendments to the third reading copy, dated March 28, 1981, and recommend as follows:

That the House recede from Standing Committee Amendment Nos. 1 and 3, dated March 26, 1981;

That the Senate accede to Standing Committee Amendment No. 2, and Nos. 4 through 9, dated March 26, 1981;

That the Senate accede to Committee of the Whole Amendment No. 1;

That Senate Bill No. 50 be further amended as specified in CLERICAL INSTRUCTIONS NOS. 3 through 6;

That the reference copy of Senate Bill No. 50 read as specified in the CLERICAL INSTRUCTIONS:

And, that the Free Conference Committee Report to Senate Bill No. 50 be adopted.

CLERICAL INSTRUCTIONS:

1. Page 4, line 17.
Following: "~~30,000.:~~"
Insert: ":"

2. Page 4, line 18.
Following: "~~(A)~~"
Insert: "(A)"
Following: "$14,000"
Insert: "for the counties of the first through fifth class"

3. Page 4, line 22.
Following: "CENSUS~~; or~~"
Strike: "."
Insert: "; OR"

4. Page 5.
Following: line 1
Insert: "(B) $12,000 for the counties of the sixth and seventh class to the population increment of $20 per 100 persons or major fraction thereof in the county's population as determined by the 1980 federal decennial census."

5. Page 6, lines 7 and 8.
Following: "salary"
Strike: the remainder of lines 7 and 8
Insert: "calculated by adding to his annual salary on July 1, 1981, an increment of 70% of the last previous calendar year's consumer price index for all urban consumers, U. S. department of labor, bureau of labor statistics, or other index that the bureau of business and economic research of the university of Montana may in the future recognize as the successor to that index. The cost of living increment for the fiscal year beginning July 1, 1983, and for each subsequent fiscal year, shall be added to all cost of living increments granted for previous years."

6. Page 7, line 20.
Following: "recorder"
Insert: "plus $2,000"

FOR THE SENATE:

Senator McCallum, Chairman

FOR THE HOUSE:

Representative Sales, Chairman

Senator Ochsner
Senator Thomas

Representative Dussault
Representative Vinger

Report adopted.

FREE CONFERENCE COMMITTEE
ON SENATE BILL NO. 221
Report No. 1, April 16, 1981

MR. PRESIDENT AND SPEAKER OF THE HOUSE:

We, your Free Conference Committee on Senate Bill No. 221 met April 16, 1981, and considered:

House Local Government Committee Amendments to the third reading copy, dated March 24, 1981, and recommend as follows:

That the House recede from Standing Committee Amendment Nos. 1 and 2;

That Senate Bill No. 221 be further amended as specified in CLERICAL INSTRUCTION NO. 3;

That the reference copy of Senate Bill No. 221 read as specified in the CLERICAL INSTRUCTIONS;

And, that the Free Conference Committee Report to Senate Bill No. 221 be adopted.

CLERICAL INSTRUCTIONS:

1. Page 6, lines 7 and 8.
Following: "payable"
Insert: all stricken language

2. Page 6, lines 15 through 19.
Following: line 14
Insert: all stricken language

3. Page 6, line 5.
Following: "specified"
Insert: "and that were issued after July 1, 1981."

FOR THE SENATE:

Senator Elliott, Chairman
Senator Van Valkenburg
Senator B. Brown

FOR THE HOUSE:

Representative Sales, Chairman
Representative Vinger
Representative Kessler

Report adopted.

FREE CONFERENCE COMMITTEE
ON SENATE BILL NO. 238
Report No. 1, April 15, 1981

MR. PRESIDENT AND SPEAKER OF THE HOUSE:

We, your Free Conference Committee on Senate Bill No. 238, met April 15, 1981, and considered:

House Judiciary Committee Amendments to the third reading copy, dated March 25, 1981, and recommend as follows:

That the House recede from Committee Amendment No. 1 and Nos. 3 through 5;

That the Senate accede to Committee Amendment No. 2 and Nos. 6 through 8;

That Senate Bill No. 238 be further amended as specified in CLERICAL INSTRUCTION NO. 5;

That the reference copy of Senate Bill No. 238 read as specified in the CLERICAL INSTRUCTIONS:

And, that the Free Conference Committee Report to Senate Bill No. 238 be adopted.

CLERICAL INSTRUCTIONS:

1. Title, line 5.
Following: "~~PLAINTIFF~~"
Strike: "PARTY"
Insert: "SUCCESSFUL PLAINTIFF"

2. Page 2, line 19.
Following: "~~than~~"
Strike: "CLOSER IN VALUE TO"
Insert: "equal to or greater than"

3. Page 2, lines 22 and 23.
Following: "agent"
Strike: "THAN THE AMOUNT CONTAINED IN THE DEFENDANT'S LAST WRITTEN OFFER TO THE PLAINTIFF"

4. Page 3, lines 2 through 7.
Following: "contrary."
Strike: all underlined language

5. Page 2, line 5.
Following: "action"
Insert: "for property damage"
Following: "arising"
Strike: "FOR PROPERTY DAMAGE"

FOR THE SENATE:

Senator Story, Chairman
Senator Mazurek
Senator Towe

FOR THE HOUSE:

Representative Eudaily, Chairman
Representative Conn
Representative Daily

Report adopted.

FREE CONFERENCE COMMITTEE
ON SENATE BILL NO. 376
Report No. 1, April 15, 1981

MR. PRESIDENT AND MR. SPEAKER:

We, your Free Conference Committee on Senate Bill No. 376, met April 15, 1981, and considered:

House Natural Resources Amendments to the third reading copy, dated March 27, 1981, and;

House Amendments to Senate Bill No. 376 and recommend as follows:

That the Senate accede to Committee Amendment Nos. 1 through 9 and the second part of Amendment No. 10 designated subsection (6), and the House recede from the first part of Amendment No. 10 designated subsection (5);

That the Senate accede to House Amendment Nos. 1 and 3, and the House recede from House Amendment No. 2;

That Senate Bill No. 376 be further amended as indicated in CLERICAL INSTRUCTION NO. 1;

That the reference copy of Senate Bill No. 376 read as specified in the CLERICAL INSTRUCTIONS;

And, that the Free Conference Committee Report to Senate Bill No. 376 be adopted.

CLERICAL INSTRUCTIONS:

1. Page 22, lines 13 through 15.
Following: line 12
Strike: lines 13 through 15
Insert: "(5) The waiver provided for in subsection (3) does not apply to consideration of alternatives or minimum adverse environmental impact for a facility defined in subsections (10)(b), (c), (d), or (e) of 75-20-104 for an associated facility defined in subsection (3) of 75-20-104 or for any portion of or process in a facility defined in subsection (10)(a) of 75-20-104 to the extent that the process or portion of the facility is not subject to a permit issued by the department of health or board of health."

FOR THE SENATE:	FOR THE HOUSE:
Senator Dover, Chairman	Representative Mueller, Chairman
Senator S. Brown	Representative D. Brown
Senator Keating	Representative Burnett

Report adopted.

CONFERENCE COMMITTEE
ON HOUSE AMENDMENTS TO SENATE BILL NO. 483
Report No. 1, April 15, 1981

MR. PRESIDENT AND SPEAKER OF THE HOUSE:

We, your Conference Committee on Senate Bill No. 483, met on April 15, 1981, and considered:

House Taxation Committee Amendments to the third reading copy, dated April 2, 1981, and;

House Committee of the Whole Amendments to the third reading copy, dated April 6, 1981, and recommend as follows:

That the Senate accede to Standing Committee Amendment Nos. 1 through 12, 14 and 15, dated April 2, 1981;

That the House recede from Standing Committee Amendment No. 13, dated April 2, 1981;

That the House recede from Committee of the Whole Amendment Nos. 1 and 2, dated April 6, 1981;

That the reference copy of Senate Bill No. 483 read as specified in the CLERICAL INSTRUCTIONS;

And, that the Conference Committee Report on Senate Bill No. 483 be adopted.

CLERICAL INSTRUCTIONS:

1. Page 10, lines 21 and 22.
Following: "him"
Strike: "EACH YEAR THAT A CHANGE IN CLASSIFICATION OR APPRAISED VALUE OCCURS"

2. Page 12, lines 9 through 16.
Following: "courts."
Strike: all underlined language

FOR THE SENATE:

Senator B. Brown, Chairman
Senator Norman
Senator Turnage

FOR THE HOUSE:

Representative Harp, Chairman
Representative Dozier
Representative Switzer

Report adopted.

FREE CONFERENCE COMMITTEE
ON HOUSE BILL NO. 161
Report No. 2, April 15, 1981

MR. PRESIDENT AND SPEAKER OF THE HOUSE:

We, your Free Conference Committee on Senate Amendments to House Bill No. 161, met April 15, 1981, and considered:

Senate State Administration Committee Amendments to the third reading copy, dated March 25, 1981, and recommend as follows:

That the Senate recede from Committee Amendment Nos. 1 through 8;

That the Senate recede from Committee Amendment Nos. 1 and 2 to the Statement of Intent;

That the reference copy of House Bill No. 161 be further amended as specified in CLERICAL INSTRUCTIONS NOS. 7 through 9;

That the reference copy of House Bill No. 161 read as specified in the CLERICAL INSTRUCTIONS;

And, that the Free Conference Committee Report on House Bill No. 161 be adopted.

CLERICAL INSTRUCTIONS:

1. Statement of Intent, page 1, lines 16 and 17.
Following: "~~government~~"
Strike: "THE DEPARTMENT OF HIGHWAYS"
Insert: "state government"

2. Statement of Intent, page 2, line 23 through page 3, line 1.
Following: line 22
Strike: the remainder of subsection (12)

3. Title, line 6.
Following: "~~STATEWIDE~~"
Strike: "PILOT"
Insert: "STATEWIDE"

4. Title, line 7.
Following: "PROGRAM"
Strike: "IN THE DEPARTMENT OF HIGHWAYS"

5. Title, lines 8 and 9.
Following: "PROPOSALS"

Strike: "; AND PROVIDING A TERMINATION DATE"

6. Page 1, line 16 through page 5, line 1.
Strike: all underlined material
Insert: all stricken material

7. Statement of Intent, page 3.
Following: line 1
Insert: "All provisions of this act shall expire and terminate on July 1, 1983."

8. Title, line 9.
Following: "DATE"
Insert: "; AND PROVIDING A TERMINATION DATE"

9. Page 5.
Following: line 1
Insert: "Section 7. Termination date. All provisions of this act shall terminate on July 1, 1983."

FOR THE SENATE:	FOR THE HOUSE:
Senator Johnson, Chairman	Representative Gould, Chairman
Senator Kolstad	Representative Dussault
Senator Towe	Representative Winslow

Report adopted.

FREE CONFERENCE COMMITTEE
ON HOUSE BILL NO. 200
Report No. 1, April 13, 1981

MR. PRESIDENT AND SPEAKER OF THE HOUSE:

We, your Free Conference Committee on House Bill No. 200, met April 13, 1981, and considered:

Senate Fish and Game Committee Amendments to the third reading copy, dated March 26, 1981, and;

Senate Committee of the Whole Amendments to the third reading copy, dated March 30, 1981, and recommend as follows:

That the House accede to Committee Amendment Nos. 1 and 4 through 14;

That the Senate recede from Committee Amendment No. 2;

That the Senate recede from Committee of the Whole Amendment No. 3;

That House Bill No. 200 be further amended as specified in CLERICAL INSTRUCTIONS NOS. 3 and 4;

And, that the Free Conference Committee Report to House Bill No. 200 be adopted.

CLERICAL INSTRUCTIONS:

1. Page 2, line 22.
Following: "~~$2~~"
Strike: "$3"
Insert: "$2"

2. Page 3, line 3.

Following: "~~$7~~"
Strike: "$6"
Insert: "$7"

3. Page 12, line 1.
Following: "a"
Strike: "$5"
Insert: "$2 per species"

4. Page 15, line 12.
Following: "2"
Insert: ", 3,"

FOR THE SENATE:

Senator E. Smith, Chairman
Senator Severson
Senator Boylan

FOR THE HOUSE:

Representative Feda, Chairman
Representative Devlin
Representative Nilson

Report adopted.

FREE CONFERENCE COMMITTEE
ON HOUSE BILL NO. 286
Report No. 1, April 16, 1981

MR. PRESIDENT AND SPEAKER OF THE HOUSE:

We, your Free Conference Committee on House Bill No. 286, met April 16, 1981, and considered:

The Governor's Proposed Amendments dated March 31, 1981, and recommend as follows:

That the House recede from the Governor's Proposed Amendments dated March 31, 1981;

That the reference copy of House Bill No. 286 read as specified in the CLERICAL INSTRUCTIONS;

And, that the Free Conference Committee Report to House Bill No. 286 be adopted.

CLERICAL INSTRUCTIONS:

1. Statement of Intent, line 15.
Following: "REGULATION"
Insert: ", excluding alien insurers"

2. Page 2, line 6.
Following: "DEPARTMENT"
Insert: ", excluding alien insurers"

FOR THE SENATE:

Senator Lee, Chairman
Senator Kolstad
Senator Boylan

FOR THE HOUSE:

Representative Fabrega, Chairman
Representative Jensen
Representative Metcalf

Report adopted.

FREE CONFERENCE COMMITTEE
ON HOUSE BILL NO. 301
Report No. 2, April 15, 1981

MR. PRESIDENT AND SPEAKER OF THE HOUSE:

We, your Free Conference Committee on House Bill No. 301, met April 15, 1981, and considered:

Senate Committee on Judiciary Amendment dated March 4, 1981;

Senate Committee of the Whole Amendment dated March 7, 1981;

Conference Committee Amendment dated March 23, 1981, and recommend as follows:

Having had under consideration Senate Committee on Judiciary Amendment dated March 4, 1981;

That the Senate recede from Amendment No. 1;

Having had under consideration Senate Committee of the Whole Amendment dated March 7, 1981;

That the Senate recede from Amendment No. 1;

Having had under consideration Conference Committee Amendment dated March 23, 1981;

That the Joint Conference Committee recede from Amendment No. 1;

And further, that House Bill No. 301, reference bill, be amended as specified in CLERICAL INSTRUCTION NO. 1;

And, that the Free Conference Committee Report on House Bill No. 301 be adopted.

CLERICAL INSTRUCTIONS:

1. Page 2, line 23 through page 3, line 14.
Following: "(2)"
Strike: the remainder of line 23 through the end of line 14
Insert: "A person convicted of criminal mischief shall be ordered to make restitution in an amount and manner to be set by the court. The court shall determine the manner and amount of restitution after full consideration of the convicted person's ability to pay the same. Upon good cause shown by the convicted person, the court may modify any previous order specifying the amount and manner of restitution. Full payment of the amount of restitution ordered shall be made prior to the release of state jurisdiction over the person convicted."

FOR THE SENATE:

Senator B. Brown, Chairman
Senator Berg
Senator Tveit

FOR THE HOUSE:

Representative Matsko, Chairman
Representative Gould
Representative Keedy

Report adopted.

MESSAGES FROM THE GOVERNOR

April 15, 1981

The Honorable Jean A. Turnage
President of the Senate
State Capitol
Helena, Montana 59620

The Honorable Robert L. Marks
Speaker of the House

State Capitol
Helena, Montana 59620

Dear Senator Turnage and Representative Marks:

In accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby return Senate Bill No. 162, "AN ACT TO PROVIDE FOR CONTRIBUTION FROM JOINT TORTFEASORS; AMENDING SECTION 27-1-703, MCA," without my signature and recommend the attached amendments for the following reasons.

Senate Bill No. 162, as passed, reforms Montana common law pertaining to apportionment of contribution among joint tortfeasors which has formed the basis of professional judgments already exercised by attorneys on cases now in process. Since SB 162 could be construed as a change in procedure rather than substantive law, it is possible that the courts could apply the apportionment principals to cases that are presently filed but that have not been brought to trial before July 1, 1981.

The amendment that I am proposing will allow SB 162 to operate on all causes of action that accrue to plaintiffs after July 1, while also allowing cases presently in process to remain unaffected.

In addition, I am also proposing an amendment to the title of SB 162 so that it will more accurately reflect the contents of the bill.

I urge your concurrence in these amendments.

Sincerely,

TED SCHWINDEN
Governor

PROPOSED GOVERNOR'S AMENDMENTS TO SENATE BILL NO. 162

1. Page 1, line 5.
Following: "TORTFEASORS"
Insert: "AND PROVIDING FOR JOINDER OF PARTIES"

2. Page 2, line 16.
Following: line 15
Insert: "APPLICABILITY. This act shall apply only to causes of action arising after the effective date of this act."

April 15, 1981

The Honorable Jean A. Turnage
President of the Senate
State Capitol
Helena, Montana 59620

The Honorable Robert L. Marks
Speaker of the House
State Capitol
Helena, Montana 59620

Dear Senator Turnage and Representative Marks:

In accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby return Senate Bill No. 426, "AN ACT TO REESTABLISH THE BOARD OF

OPTOMETRISTS UNDER EXISTING STATUTORY AUTHORITY AND RULES; PROVIDING FOR STAGGERED 4-YEAR TERMS FOR BOARD MEMBERS; REMOVING RESTRICTIONS AGAINST ADVERTISING; CLARIFYING THE AUTHORITY TO FIT CONTACT LENSES; UPDATING THE GROUNDS FOR REVOCATION OF A LICENSE; REMOVING RESTRICTIONS PROHIBITING OPTOMETRISTS FROM BEING EMPLOYED BY ANYONE OTHER THAN A LICENSED OPTOMETRIST; AMENDING SECTIONS 2-8-103, 2-15-1612, 37-10-311, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE," without my signature and recommend the attached amendments.

As introduced, the bill would have removed restrictions prohibiting optometrists from being employed by anyone other than a licensed optometrist, but this restriction was put back into the bill during the legislative process. Therefore, the title of the bill must be amended to strike the clause stating that this restriction is removed by the bill.

Also, Section 4 of the bill amends Section 37-10-301(1)(k) so as to make it unlawful for a person to place a lens to direct, contiguous contact with the human eyeball unless licensed as an optometrist. The way the subsection reads after amendment, it is unlawful for anyone to place a lens in their own eye unless licensed as an optometrist. This problem is corrected by striking the word "place" from the subsection.

I urge your concurrence in these amendments.

Sincerely,

TED SCHWINDEN
Governor

PROPOSED GOVERNOR'S AMENDMENTS TO SENATE BILL NO. 426

1. Page 1, lines 10 and 12.
Following: "LICENSE;" on line 10
Strike: "REMOVING RESTRICTIONS PROHIBITING OPTOMETRISTS FROM BEING EMPLOYED BY ANYONE OTHER THAN A LICENSED OPTOMETRIST;"

2. Page 9, line 21.
Following: "FIT"
Strike: "PLACE,"

April 15, 1981

The Honorable Jean A. Turnage
President of the Senate
State Capitol
Helena, Montana 59620

The Honorable Robert L. Marks
Speaker of the House
State Capitol
Helena, Montana 59620

Dear Senator Turnage and Representative Marks:

In accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby return House Bill

No. 18, "AN ACT TO REDUCE INDIVIDUAL TAX ON INTEREST INCOME EARNED BY A TAXPAYER; AMENDING SECTION 15-30-111, MCA; AND PROVIDING AN APPLICABILITY DATE," without my signature and recommend the attached amendments for the following reasons.

I propose amending HB 18 to allow an $800 exemption on interest income to only those taxpayers age 65 and over and to change the title accordingly. Exempting a portion of interest income from federal income taxation is a major national priority of senior citizens for the 1981 White House Conference on Aging. Montana can be in the forefront of this national movement by making this exemption from state income taxes exclusively for senior citizens. By amending HB 18 in this manner, we can assure that tax relief will go to those who truly need it —- the elderly, many of who must exist on fixed incomes.

These amendments would reduce the fiscal impact of HB 18 from $14 million to approximately $4 million. The combination of HB 18 with these amendments and the property tax circuit breaker will provide dual tax reform for senior citizens —- protection of the savings of a lifetime of hard work and financial security for the elderly living in the homes they have worked long and hard to buy and to maintain.

I urge your concurrence in these amendments.

Sincerely,

TED SCHWINDEN
Governor

PROPOSED GOVERNOR'S AMENDMENTS TO HOUSE BILL NO. 18

1. Page 1, line 6.
Following: "TAXPAYER"
Insert: "AGE 65 OR OLDER"

2. Page 2, line 6.
Following: "taxpayer"
Insert: "age 65 or older"

April 15, 1981

The Honorable Jean A. Turnage
President of the Senate
State Capitol
Helena, Montana 59620

Dear Mr. President:

This is to inform you that I have signed the following measure this date:

Senate Bill No. 64.

Sincerely,

TED SCHWINDEN
Governor

April 15, 1981

The Honorable Jean A. Turnage
President of the Senate

State Capitol
Helena, Montana 59620

Dear Mr. President:

This is to inform you that I have signed the following measures this date:

Senate Bill Nos. 316, 292, 216, 88, 100, 398, 418.

Sincerely,

TED SCHWINDEN
Governor

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The House on 4/16/81, dissolved the Free Conference Committee on House Amendments to Senate Bill No. 392.

The House on 4/16/81, authorized the Speaker to appoint a Free Conference Committee on House Amendments to Senate Bill No. 452.

The Speaker appointed the following members:

Representative Fabrega, Chairman
Representative Schultz
Representative Manning

The House on 4/16/81, dissolved the Free Conference Committee on Senate Bill No. 33, and the Speaker was authorized to appoint a new Free Conference Committee to confer on House Amendments to Senate Bill No. 33.

The Speaker appointed the following members:

Representative Seifert, Chairman
Representative Anderson
Representative Huennekens

FIRST READING OF BILLS

The following Senate bill was introduced, read first time, and referred to committee:

SB 487, introduced by Manning, Marks. Referred to Committee on Taxation.

The following Senate Joint Resolution was introduced, read first time and referred to committee:

SJR 35, introduced by Boylan, Ellerd, Nordtvedt, Eck, Elliott, Sivertsen, Kolstad, Vincent, Manley, Healy, Goodover, Seifert, Halligan, Mazurek, McCallum, Wallin, Pavlovich, Manuel, Quilici, Hazelbaker, P. Ryan, Story. Referred to Committee on Business and Industry.

At the request of the President, and without objection, the Senate reverted to Order of Business No. 6.

MOTIONS

Senator McCallum moved, duly carried, that the Conference Committee appointed to confer on Senate Amendments to House Bill No. 558 be dissolved and that the President be authorized to appoint a Free Conference Committee.

Senator Stephens moved, duly carried, that the Conference Committee appointed to confer on Senate Amendments to House Bill No. 692 be dissolved, and that the President be authorized to appoint a Free Conference Committee.

The President appointed the following committee:

Senator Kolstad, Chairman
Senator Lee
Senator Boylan

Senator Keating moved, duly carried, that House Bill No. 652 be taken from Second Reading and rereferred to the Free Conference Committee.

Upon motion of Senator Stephens, duly carried, the Senate adjourned at 5:59 p.m. until Friday, April 17, at the hour of 10:00 a.m.

JEAN A. TURNAGE
President of the Senate

JOHN W. LARSON
Secretary of the Senate

EIGHTY-SIXTH LEGISLATIVE DAY

Helena, Montana
April 17, 1981

Senate Chambers
Capitol Building

Senate convened at 10:00 a.m., President Turnage presiding. Invocation by the Chaplain. Pledge of Allegiance to the Flag.

Roll call. All members present. Quorum present.

Mr. President: We, your Committee on Bills and Journal, having examined the daily journal for the Eighty-fifth Legislative Day, find the same to be correct.

O'HARA, Chairman

REPORTS OF STANDING COMMITTEES

FINANCE AND CLAIMS (Himsl, Chairman):
HB 261, be concurred in. Report adopted.
HB 460, be concurred in. Report adopted.

MESSAGES FROM THE GOVERNOR

April 16, 1981

The Honorable Jean A. Turnage
President of the Senate
State Capitol
Helena, Montana 59620

The Honorable Robert L. Marks
Speaker of the House
State Capitol
Helena, Montana 59620

Dear Senator Turnage and Representative Marks:

In accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby return House Bill No. 34, "AN ACT TO REVISE THE INCOME LIMITATIONS APPLICABLE TO PROPERTY TAX EXEMPTION FOR 100 PERCENT DISABLED VETERANS; AMENDING SECTION 15-6-211, MCA; AND PROVIDING AN APPLICABILITY DATE," without my signature and recommend the attached amendments for the following reasons.

House Bill No. 34 as passed requires a taxpayer to show no more than a certain income level as reported on his federal income tax return. It is possible that some otherwise qualified applicant may not be required to file a federal return.

The "Statement of Intent" that I am proposing makes it clear that the Department of Revenue may adopt rules to permit such an applicant to receive the benefits of the exemption provided in Section 15-6-211, MCA, even though he was not required to file a federal return.

I urge your concurrence in these amendments.

Sincerely,

TED SCHWINDEN
Governor

PROPOSED GOVERNOR'S AMENDMENTS TO HOUSE BILL NO. 34

1. Insert: "STATEMENT OF INTENT"
"In the event that an individual or married couple, otherwise entitled to the exemption provided by this act, are not required to file a federal income tax return, the department of revenue may adopt rules to enable these taxpayers to demonstrate that they meet the income limitations."

April 16, 1981

The Honorable Jean A. Turnage
President of the Senate
State Capitol
Helena, Montana 59620

The Honorable Robert L. Marks
Speaker of the House
State Capitol
Helena, Montana 59620

Dear Senator Turnage and Representative Marks:

In accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby return House Bill No. 38, "AN ACT TO AMEND SECTION 2-4-307, MCA, RELATING TO OMISSIONS FROM THE ADMINISTRATIVE RULES OF MONTANA OR THE MONTANA ADMINISTRATIVE REGISTER," without my signature and recommend the following amendments.

House Bill No. 38, as passed, may create significant problems for agencies required to conform to federal regulations. Under House Bill No. 38, amendments of federal regulations incorporated by reference are not effective for at least 30 days after publication in the "Montana Administrative Register". If a hearing is requested, the effective date of the rule may be considerably later than the 30 days. The effects of this "gap" period, when ARM does not conform to required federal regulations, may result in losses of federal financial participation and other liabilities to the state general fund.

House Bill 38, also has technical problems regarding how and when a hearing is requested and the impact of that request on the effective date of the federal regulation amendment. The bill as passed envisions that a hearing request be governed by 2-4-302, MCA, which deals with prospective rulemaking rather than 2-4-315, MCA, which deals with petitions for amendments to rules that already have a properly noticed effective date.

The amendments that I am proposing provide solutions to both of these problems while ensuring the public's right to a hearing.

I urge your concurrence in these amendments.

Sincerely,

TED SCHWINDEN
Governor

PROPOSED GOVERNOR'S AMENDMENTS TO HOUSE BILL NO. 38

1. Page 3, line 8.
Following: "incorporation"
Strike: ", which"

Insert: ". The"

2. Page 3, line 9.
Following: "IS"
Strike: "ISSUED"
Insert: "published unless the 30 days causes a delay that jeopardizes compliance with federal law or qualification for federal funding in which event the effective date may be no sooner than the date of publication."

3. Page 3, line 11.
Following: "UNDER"
Strike: "2-4-302(4) PRIOR TO THE EFFECTIVE DATE OF THE RULE, AND"
Insert: "2-4-315 by either 10% or 25, whichever is less, of the persons who will be directly affected by the incorporation, by a governmental subdivision or agency, or by an association having not less than 25 members who will be directly affected."

4. Page 3, line 12.
Following: "AND"
Strike: "no"
Insert: "NO"

5. Page 3, lines 16 through 18.
Following: line 15
Strike: lines 16 through 18
Insert: "the petition for hearing shall contain a request for an amendment, and may contain suggested language, reasons for an amendment, and any other information pertinent to the subject of the rule."

April 16, 1981

The Honorable Jean A. Turnage
President of the Senate
State Capitol
Helena, Montana 59620

The Honorable Robert L. Marks
Speaker of the House
State Capitol
Helena, Montana 59620

Dear Senator Turnage and Representative Marks:

In accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby return House Bill No. 215, "AN ACT TO PROVIDE DISTRICT COURTS AND JUSTICES' COURTS WITH CONCURRENT ORIGINAL JURISDICTION IN ALL CRIMINAL CASES AMOUNTING TO MISDEMEANOR; AMENDING SECTION 3-5-302, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE," without my signature and recommend the attached amendment.

As introduced, HB 215 provided district courts and justice's courts with concurrent jurisdiction in all criminal cases amounting to misdemeanor. The bill, however, was amended after introduction to provide for concurrent jurisdiction only in certain, specified instances. The title of the bill was not changed to reflect this amendment.

I am proposing an amendment to the title simply to make it reflect the content of the bill.

I urge your concurrence in this amendment.

Sincerely,

TED SCHWINDEN
Governor

PROPOSED GOVERNOR'S AMENDMENT TO HOUSE BILL NO. 215

1. Page 1, line 6.
Following: "IN"
Strike: "ALL"
Insert: "CERTAIN"

April 16, 1981

The Honorable Jean A. Turnage
President of the Senate
State Capitol
Helena, Montana 59620

The Honorable Robert L. Marks
Speaker of the House
State Capitol
Helena, Montana 59620

Dear Senator Turnage and Representative Marks:

In accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby return House Bill No. 510, "AN ACT TO AMEND SECTIONS 18-2-201 AND 18-2-202, MCA, TO LIMIT THE NUMBER OF INDIVIDUAL SURETIES AND AUTHORIZE THE USE OF DEPOSITS AND SECURITIES IN LIEU OF SURETY BONDS ON GOVERNMENT CONSTRUCTION PROJECTS," without my signature and recommend the attached amendment.

As introduced, HB 510 would have limited the number of individual sureties on bonds for government construction projects. The bill, however, was amended after introduction to delete this limit, and other language was substituted. The title was never amended to reflect this change.

I am proposing an amendment to the title simply to make it reflect the content of the bill.

I urge your concurrence in this amendment.

Sincerely,

TED SCHWINDEN
Governor

PROPOSED GOVERNOR'S AMENDMENT TO HOUSE BILL NO. 510

1. Page 2, lines 6 and 7.
Following: "TO" on line 6
Strike: "LIMIT THE NUMBER OF INDIVIDUAL SURETIES AND"

Insert: "PROVIDE THAT SURETIES MUST BE ACCEPTABLE TO GOVERNMENTAL BODY AND THAT SURETY COMPANIES MUST BE LICENSED, AND TO"

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

House Bill No. 609 was concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg.
Total 49

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: Mr. President.
Total 1

House Bill No. 676 was concurred in by the following vote:

Ayes: Anderson, Berg, Blaylock, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Galt, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manning, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Thomas, Towe, Tveit, Van Valkenburg.
Total 41

Noes: Aklestad, Boylan, Etchart, Goodover, Hafferman, Manley, Story.
Total 7

Excused: None.
Total 0

Absent or not voting: Mazurek, Mr. President.
Total 2

House Bill No. 709 was concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg.
Total 49

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: Mr. President.
Total 1

House Bill No. 828 was concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Kolstad, Lee, Manning, Mazurek, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg.
Total 45

Noes: Crippen, Keating, Manley, McCallum.
Total 4

Excused: None.
Total 0

Absent or not voting: Mr. President.
Total 1

The Free Conference Committee Report to Senate Bill No. 399 was adopted by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg.
Total 48

Noes: S. Brown.
Total 1

Excused: None.
Total 0

Absent or not voting: Mr. President.
Total 1

At the request of the President, and without objection, the Senate reverted to Order of Business No. 6.

MOTIONS

Senator Stephens moved, duly carried, that the President be authorized to appoint a Conference Committee on House Amendments to Senate Bill No. 77.

SPECIAL ORDERS OF THE DAY

The President appointed the following as conferees on a Free Conference Committee to confer on Senate Amendments to House Bill No. 558:

Senator McCallum, Chairman
Senator Hammond
Senator Van Valkenburg

At the request of the President, and without objection, the Senate reverted to Order of Business No. 6.

MOTIONS

Senator Blaylock moved, duly carried, that the President be authorized to appoint a Free Conference Committee on House Amendments to Senate Joint Resolution No. 21.

Senator Stephens moved, duly carried, that the Senate recess at the hour of 10:13 a.m., subject to the Call of the Chair.

At the request of the President, and without objection, the Senate reverted to Order of Business No. 2.

REPORTS OF STANDING COMMITTEES

BUSINESS AND INDUSTRY (Hazelbaker, Chairman):
SJR 35, introduced copy, be amended as follows:

1. Page 3.
Following: line 9
Insert: "(1) That the clear legislative intent and purpose of the phrase "most recent official United States Census as authorized by Congress" as contained in sections 16-4-201 and 16-4-502, MCA, as amended by Chapter 25, Laws of 1981, is to direct the Department of Revenue to recognize and follow the regulations and procedures of the Bureau of Census, United States Department of Commerce, in establishing census data and in determining the cutoff dates for recognition of boundary changes for the decennial census operations.

(2)"

2. Page 3, line 18.
Following: "Commerce,"
Insert: "or the most recent population estimates as provided in 16-4-502,"

And, as so amended, do pass. Report adopted.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The House on 4/16/81, failed to concur in Senate Amendments to House Bill No. 611, and the Speaker was authorized to appoint a Free Conference Committee, and the House respectfully requests the Senate to appoint a like committee to confer on Senate Amendments to House Bill No. 611.

The Speaker appointed the following members:

Representative Donaldson, Chairman
Representative Anderson
Representative Bengtson

The House on 4/16/81, dissolved the Conference Committee, and the Speaker was authorized to appoint a Free Conference Committee, and the House respectfully requests the Senate to appoint a like committee to confer on Senate Amendments to House Bill No. 558.

The Speaker appointed the following members:

Representative Sales, Chairman
Representative Vinger
Representative Dussault

The following House Bills were on 4/16/81, passed and transmitted to the Senate for concurrence:

House Bill No. 666, introduced by Moore (86-10)

House Bill No. 867, introduced by Nordtvedt (63-35)

House Bill No. 868, introduced by Shontz (94-02)

House Bill No. 869, introduced by Meyer, Goodover, et al (80-19)

The House on 4/16/81, on Third Reading, concurred in the Governor's Amendments to House Bill No. 18, and the Governor's Amendments with the following bill were transmitted to the Senate for concurrence:

House Bill No. 18, introduced by Nordtvedt (71-25)

The following Senate Bill was on 4/16/81, not concurred in on Second Reading, and returned to the Senate:

Senate Bill No. 163, introduced by Towe

The following Senate Bill was on 4/16/81, not concurred in on Third Reading, and returned to the Senate:

Senate Bill No. 208, introduced by Towe

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Haffey in the Chair.

Senate resumed. President Turnage in the Chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on Second Reading, recommend as follows:

That the Free Conference Committee Report on Senate Bill No. 258 be adopted by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

That the Free Conference Committee Report on Senate Bill No. 298, without objection, be moved to the bottom of the board.

That the Conference Committee Report on Senate Bill No. 352 be adopted by the following vote:

Ayes: Aklestad, Berg, Blaylock, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Hager, Hammond, Healy, Himsl, Jacobson, Johnson, Kolstad, Lee, Manley, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Ryan,

Severson, Stephens, Stimatz, Thomas, Tveit, Van Valkenburg, Mr. President.
Total 39

Noes: Anderson, Boylan, Regan, Towe.
Total 4

Excused: None.
Total 0

Absent or not voting: Haffey, Halligan, Hazelbaker, Keating, Manning, Smith, Story.
Total 7

That the Free Conference Committee Report on House Bill No. 202 be adopted by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

That the Free Conference Committee Report on House Bill No. 209 be adopted by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

That the Free Conference Committee Report on House Bill No. 390 be adopted by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan,

Severson, Smith, Stephens, Stimatz, Story, Thomas, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: Towe.
Total 1

Excused: None.
Total 0

Absent or not voting: None.
Total 0

That the Free Conference Committee Report on House Bill No. 636 be adopted by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: S. Brown.
Total 1

Excused: None.
Total 0

Absent or not voting: None.
Total 0

That the Free Conference Committee Report on House Bill No. 761 be adopted by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

That the Governor's Amendments to Senate Bill No. 367 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan,

Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

That the Free Conference Committee Report on Senate Bill No. 298 be adopted by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: S. Brown, Towe.
Total 2

Excused: None.
Total 0

Absent or not voting: None.
Total 0

That the Amendments to the Joint Rules be adopted by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

That the Committee rise and report and beg leave to sit again. (Haffey, Chairman)

Upon motion of Senator Haffey, duly carried, the foregoing Report of the Committee of the Whole was adopted.

At the request of the President, and without objection, the Senate reverted to Order of Business No. 6.

MOTIONS

Senator Stephens moved, duly carried, that the Senate recess at the hour of 12:01 p.m. until the hour of 1:30 p.m.

COMMUNICATIONS AND PETITIONS

1980-81 V.F.W. VOICE OF DEMOCRACY
SCHOLARSHIP PROGRAM
MONTANA WINNER

MICHAEL SCOTT STOECKIG
403 Oak Street
Forest Park
Glendive, Montana 59330

America. A word that stands for more than merely a large chunk of earth that some quarter of a billion people occupy. America stands for so much more than only a portion of a continent, a slab of ground, a country if you will. The word does not, cannot stand for only one thing. America stands for something entirely different to each and every citizen of the great bastion of freedom that was labeled America some 204 years ago.

There are some 220 million people that call this country home. Two-hundred and twenty million minds that each have a different idea that they call America. To the artist, America means a place where he or she can work without censorship; without fear that the government will intervene and change the meaning of a work of sculpture, a line of poetry, or a stroke of a brush. To the critic it means the ability to point out, perhaps make fun of a flaw in the make-up of our social system. To the immigrant, America may mean not having to look over one's shoulder, not to worry about unfair imprisonment for one's deeds. America means all things to some people, some things to all people, but no matter who is asked, America has some meaning to all. All people who are referred to as Americans have some meaning associated with the word America.

And that leads to the theme of my dissertation, the statement, "My commitment to my country". Before a person can be committed to anything, he must first ask himself what meaning it has to him and where it comes on his list of priorities. That is what I have done in finding exactly what my commitment to my country really is. I have asked myself what my country means to me. I have asked what matters most to me, my country, my family, my friends or something entirely different.

And I have come up with some answers. At first, it was hard to find where my country placed on my list of priorities. I worked and re-worked the list a dozen times, got a dozen different answers, and got a dozen more questions. But suddenly, I realized that I would have none of the things that matter most dearly to me if I did not live in a place called America. Indeed I may not have even been born, for my ancestors were among those who came to this country under the label "immigrant". Had they not come here at the times they did I would not be speaking here today.

So I saw that America is indeed a lot more than a slab of ground or a portion of a continent. America, is my home.

My home, my country, means a great deal to me; so much so that I cannot put into words the extent of the feelings that it evokes. Something that has had so much meaning to me, deserves an extremely large commitment from me. I must be dedicated to upholding the principles and ideals that this great nation has represented throughout history. I must help to make the way clear for forthcoming generations to appreciate the things

that I have been privileged enough to come in contact with. And I must do so with pride. A pride that our people have so often shown. A pride in their nation that the whole world recognizes as uniquely American. A pride that our founding fathers would be proud of, for America was their home too.

I know not what form this dedication will take. Whether it is through public service, political office, military life, or just through the responsibilities that the average citizen possesses, matters not to me. What matters is that I may make this country and this world a better place in some way, no matter how small, no matter how tiny, for some people who are yet to come. That is my commitment to my country, one which I will uphold.

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Haffey in the Chair.

Senate resumed. President Turnage in the Chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on Second Reading, recommend as follows:

That the Governor's Amendments to Senate Bill No. 162 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

That the Governor's Amendments to Senate Bill No. 426 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

That the Free Conference Committee Report on Senate Bill No. 50 be adopted by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: Mazurek.
Total 1

Excused: None.
Total 0

Absent or not voting: None.
Total 0

That the Free Conference Committee Report on Senate Bill No. 221 be adopted by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

That the Free Conference Committee Report on Senate Bill No. 238 be adopted by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

That the Free Conference Committee Report on Senate Bill No. 376 be adopted by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

That the Conference Committee Report on Senate Bill No. 483, without objection, be placed at the bottom of the board.

That the Free Conference Committee Report on House Bill No. 161 be adopted by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

That the Free Conference Committee Report on House Bill No. 200 be adopted by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.

Total 0

That the Free Conference Committee Report on House Bill No. 286 be adopted by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

That the Free Conference Committee Report on House Bill No. 301 be adopted by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

That the Conference Committee Report on Senate Bill No. 483 be adopted by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: Hager.
Total 1

Excused: None.
Total 0

Absent or not voting: None.
Total 0

That House Bill No. 397 pass consideration. Unanimously passed.

That House Bill No. 834 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

That House Bill No. 835 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: Lee.
Total 1

Excused: None.
Total 0

Absent or not voting: None.
Total 0

That House Bill No. 846 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

That House Bill No. 861 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

That House Joint Resolution No. 52 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

That House Joint Resolution No. 55 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

That House Joint Resolution No. 56 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Boylan, B. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Hafferman, Haffey, Halligan, Hammond, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Tveit, Mr. President.
Total 38

Noes: Blaylock, S. Brown, Graham, Hazelbaker, Healy, Himsl, Mazurek, Regan, Towe, Van Valkenburg.
Total 10

Excused: None.
Total 0

Absent or not voting: Hager, Manning.
Total 2

That House Joint Resolution No. 65 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

That House Bill No. 63 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Boylan, S. Brown, Conover, Crippen, Dover, Eck, Etchart, Goodover, Graham, Hafferman, Haffey, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Ryan, Stephens, Stimatz, Story, Thomas, Tveit, Van Valkenburg.
Total 39

Noes: Blaylock, B. Brown, Elliott, Galt, Manley, Regan, Severson, Smith, Towe, Mr. President.
Total 10

Excused: None.
Total 0

Absent or not voting: Hager.
Total 1

That the Committee rise and report and beg leave to sit again. (Haffey, Chairman)

Upon motion of Senator Haffey, duly carried, the foregoing Report of the Committee of the Whole was adopted.

At the request of the President, and without objection, the Senate reverted to Order of Business No. 6.

MOTIONS

Senator Stephens moved, duly carried, that the Senate recess at the hour of 3:00 p.m., subject to the Call of the Chair.

Senator Stephens moved that the Joint Rules of the Forty-seventh Legislative Session be temporarily suspended in order to place House Bill Nos. 63, 834, 835, 846 and 861; House Joint Resolution Nos. 52, 55, 56 and 65; Governor's Amendments to Senate Bill Nos. 162, 367 and 426; and the Amendments to the Joint Rules on Third Reading this day. Motion carried by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, B. Brown, S. Brown, Conover, Crippen, Elliott, Etchart, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Nelson, Norman, Ochsner, O'Hara, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg.
Total 41

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: Boylan, Dover, Eck, Galt, Manning, Mazurek, McCallum, Olson, Mr. President.
Total 9

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

The Free Conference Committee Report to Senate Bill No. 50 was adopted by the following vote:

Ayes: Anderson, Berg, Blaylock, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Graham, Hafferman, Haffey, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Nelson, Norman, Ochsner, O'Hara, Olson, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Van Valkenburg.
Total 36

Noes: Aklestad, Boylan, Goodover, Manley, Mazurek, Regan, Tveit.
Total 7

Excused: None.
Total 0

Absent or not voting: B. Brown, Galt, Hager, Manning, McCallum, Towe, Mr. President.
Total 7

The Free Conference Committee Report to Senate Bill No. 221 was adopted by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Goodover, Graham, Hafferman, Haffey, Halligan, Hammond, Hazelbaker, Healy, Himsl,

Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Mazurek, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg.
Total 45

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: Galt, Hager, Manning, McCallum, Mr. President.
Total 5

The Free Conference Committee Report to Senate Bill No. 238 was adopted by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

The Free Conference Committee Report to Senate Bill No. 258 was adopted by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: Towe.
Total 1

The Free Conference Committee Report to Senate Bill No. 298 was adopted by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, Conover, Crippen, Dover, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manning, Mazurek, McCallum, Nelson,

Norman, Ochsner, O'Hara, Olson, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Tveit, Van Valkenburg.
Total 44

Noes: S. Brown, Eck, Regan.
Total 3

Excused: None.
Total 0

Absent or not voting: Manley, Towe, Mr. President.
Total 3

The Conference Committee Report to Senate Bill No. 352 was adopted by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Tveit, Van Valkenburg, Mr. President.
Total 47

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: Hammond, Manley, Towe.
Total 3

The Free Conference Committee Report to Senate Bill No. 376 was adopted by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Thomas, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: Story, Towe.
Total 2

The Free Conference Committee Report to Senate Bill No. 483 was adopted by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Eck, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg.
Total 46

Noes: Dover, Hager.
Total 2

Excused: None.
Total 0

Absent or not voting: Elliott, Mr. President.
Total 2

The Free Conference Committee Report to House Bill No. 161 was adopted by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: Himsl, Ryan.
Total 2

Excused: None.
Total 0

Absent or not voting: None.
Total 0

The Free Conference Committee Report to House Bill No. 200 was adopted by the following vote:

Ayes: Anderson, Berg, Blaylock, B. Brown, S. Brown, Conover, Crippen, Eck, Elliott, Etchart, Galt, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 42

Noes: Aklestad, Boylan, Dover, Goodover, Kolstad, Lee, Manley, Ryan.
Total 8

Excused: None.
Total 0

Absent or not voting: None.
Total 0

The Free Conference Committee Report to House Bill No. 202 was adopted by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: Ryan.
Total 1

The Free Conference Committee Report to House Bill No. 209 was adopted by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: Ryan.
Total 1

Excused: None.
Total 0

Absent or not voting: None.
Total 0

The Free Conference Committee Report to House Bill No. 286 was adopted by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Dover, Eck, Elliott, Etchart, Galt, Goodover, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Severson, Smith, Stephens, Stimatz, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 45

Noes: Regan.
Total 1

Excused: None.
Total 0

Absent or not voting: Crippen, Graham, Ryan, Story.
Total 4

The Free Conference Committee Report to House Bill No. 301 was adopted by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Goodover, Hafferman, Haffey, Hager, Halligan, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Thomas, Towe, Tveit, Mr. President.
Total 43

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: Galt, Graham, Hammond, Hazelbaker, Stimatz, Story, Van Valkenburg.
Total 7

The Conference Committee Report to House Bill No. 390 was adopted by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: Towe.
Total 1

Excused: None.
Total 0

Absent or not voting: McCallum.
Total 1

The Free Conference Committee Report to House Bill No. 636 was adopted by the following vote:

Ayes: Anderson, Berg, Blaylock, Boylan, B. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Healy, Keating, Kolstad, Lee, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Regan, Ryan, Severson, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 41

Noes: Aklestad, S. Brown, Hazelbaker, Himsl, Jacobson, Johnson, Manley, Olson, Smith.
Total 9

Excused: None.
Total 0

Absent or not voting: None.
Total 0

The Free Conference Committee Report to House Bill No. 761 was adopted by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.

Total 0

House Bill No. 63 was concurred in by the following vote:

Ayes: Anderson, Berg, Boylan, S. Brown, Conover, Crippen, Dover, Eck, Etchart, Goodover, Graham, Hafferman, Haffey, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Ryan, Stephens, Stimatz, Story, Thomas, Tveit, Van Valkenburg.
Total 38

Noes: Aklestad, Blaylock, B. Brown, Elliott, Galt, Hager, Manley, Regan, Severson, Smith, Towe, Mr. President.
Total 12

Excused: None.
Total 0

Absent or not voting: None.
Total 0

House Bill No. 834 was concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Etchart, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Jacobson, Johnson, Keating, Kolstad, Lee, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Regan, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg.
Total 41

Noes: Elliott, Galt, Himsl, Manley, Olson, Ryan, Severson, Smith, Mr. President.
Total 9

Excused: None.
Total 0

Absent or not voting: None.
Total 0

House Bill No. 835 was concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hazelbaker, Healy, Jacobson, Johnson, Keating, Kolstad, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Mr. President.
Total 42

Noes: Boylan, Galt, Hammond, Himsl, Lee, Manley, Severson, Van Valkenburg.
Total 8

Excused: None.
Total 0

Absent or not voting: None.
Total 0

House Bill No. 846 was concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman,

Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: Boylan.
Total 1

Excused: None.
Total 0

Absent or not voting: None.
Total 0

House Bill No. 861 was concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

House Joint Resolution No. 52 was concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: Hager.
Total 1

House Joint Resolution No. 55 was concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan,

Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: Crippen.
Total 1

House Joint Resolution No. 56 was concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, Conover, Crippen, Eck, Elliott, Etchart, Galt, Goodover, Hafferman, Halligan, Keating, Kolstad, Lee, Manley, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Mr. President.
Total 34

Noes: S. Brown, Dover, Graham, Haffey, Hager, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Manning, Mazurek, Regan, Ryan, Van Valkenburg.
Total 16

Excused: None.
Total 0

Absent or not voting: None.
Total 0

House Joint Resolution No. 65 was concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: Keating.
Total 1

Governor's Amendments to Senate Bill No. 162 were concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 45

Noes: Kolstad, Lee, Manley, Ryan.
Total 4

Excused: None.
Total 0

Absent or not voting: Graham.
Total 1

Governor's Amendments to Senate Bill No. 367 were concurred in by the following vote:

Ayes: Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Manning, Mazurek, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 43

Noes: Kolstad, Lee, Manley, Ryan.
Total 4

Excused: None.
Total 0

Absent or not voting: Aklestad, Graham, McCallum.
Total 3

Governor's Amendments to Senate Bill No. 426 were concurred in by the following vote:

Ayes: Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Van Valkenburg, Mr. President.
Total 43

Noes: Aklestad, Kolstad, Lee, Manley, Ryan, Tveit.
Total 6

Excused: None.
Total 0

Absent or not voting: Graham.
Total 1

Amendment to the Joint Rules was passed by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Etchart, Galt, Goodover, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Manning, Mazurek, McCallum, Nelson, Ochsner, O'Hara, Olson, Regan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Tveit, Van Valkenburg, Mr. President.
Total 43

Noes: Elliott, Lee, Manley, Ryan.
Total 4

Excused: None.
Total 0

Absent or not voting: Graham, Norman, Towe.
Total 3

At the request of the President, and without objection, the Senate reverted to Order of Business No. 2.

REPORTS OF STANDING COMMITTEES

STATE ADMINISTRATION (Story, Chairman):
HJR 67, be concurred in. Report adopted.

PRINTING (O'Hara, Chairman):
Correctly printed and placed on the members' desks - SJR 35. Report adopted.

REPORTS OF SELECT COMMITTEES

FREE CONFERENCE COMMITTEE
ON SENATE BILL NO. 33
Report No. 2, April 16, 1981

MR. PRESIDENT AND SPEAKER OF THE HOUSE:

We, your Free Conference Committee on Senate Bill No. 33, met April 16, 1981, and considered:

House Judiciary Committee Amendments to the third reading copy, dated March 26, 1981, and;

House Committee of the Whole Amendments to the third reading copy, dated March 30, 1981, and recommend as follows:

That the Senate accede to Standing Committee Amendment Nos. 1 through 9, dated March 26, 1981;

That the Senate accede to Committee of the Whole Amendment No. 1, dated March 30, 1981;

That Senate Bill No. 33 be further amended as specified in CLERICAL INSTRUCTION NO. 1;

That the reference copy of Senate Bill No. 33 read as specified in the CLERICAL INSTRUCTIONS;

And, that the Free Conference Committee Report to Senate Bill No. 33 be adopted.

CLERICAL INSTRUCTIONS:

1. Page 51, line 4.
Strike: line 4 in its entirety

FOR THE SENATE:

Senator Goodover, Chairman
Senator Mazurek
Senator Olson

FOR THE HOUSE:

Representative Seifert, Chairman
Representative Anderson
Representative Huennekens

Report adopted.

FREE CONFERENCE COMMITTEE
ON SENATE BILL NO. 452
Report No. 1, April 16, 1981

MR. PRESIDENT AND SPEAKER OF THE HOUSE:

We, your Free Conference Committee on Senate Bill No. 452, met April 16, 1981, and considered:

House Business and Industry Committee Amendments to the third reading copy, dated March 24, 1981, and recommend as follows:

That the Senate accede to Committee Amendment Nos. 1 through 11;

That Senate Bill No. 452 be further amended as specified in CLERICAL INSTRUCTIONS NOS. 1 through 3;

That the reference copy of Senate Bill No. 452 read as specified in the CLERICAL INSTRUCTIONS;

And, that the Free Conference Committee Report to Senate Bill No. 452 be adopted.

CLERICAL INSTRUCTIONS:

1. Title, line 11.
Following: "~~REQUIREMENTS,~~"
Insert: "REDUCING APPRENTICESHIP TERM;"

2. Title, line 16.
Following: "~~37-30-307~~,"
Insert: "37-30-305"

3. Page 14, following line 23.
Insert: "Section 6. Section 37-30-305, MCA, is amended to read:

"37-30-305. Application for barber's certificate — examination. On completion of ~~1 year~~ 3 months of apprenticeship under the immediate personal supervision of a licensed barber, an apprentice must apply to the department to take the examination for a barber's certificate of registration. An apprentice may take the examination for a barber's certificate of registration as many as three times before expiration of the apprentice card. If an apprentice fails to pass the examination for a barber's certificate of registration three times, he shall surrender the apprentice card to the department and may not be authorized to do the acts which constitute the practice of barbering.""

Renumber: subsequent sections

FOR THE SENATE:

Senator Himsl, Chairman
Senator S. Brown
Senator Halligan

FOR THE HOUSE:

Representative Fabrega, Chairman
Representative Manning
Representative Schultz

Report adopted.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following Senate Bill was on 4/16/81, concurred in and returned to the Senate:

Senate Bill No. 377, introduced by Berg (95-1)

The following Senate Joint Resolution was on 4/16/81, concurred in as amended, and returned to the Senate for concurrence in House Amendments:

Senate Joint Resolution No. 26, introduced by Thomas (66-30)

The following Senate Bills were on 4/16/81, concurred in as amended, and returned to the Senate for concurrence in House Amendments:

Senate Bill No. 210, introduced by Senate Taxation Committee (98-0)

Senate Bill No. 322, introduced by Halligan (64-32)

Senate Bill No. 269, introduced by Conover (73-24)

The following House Bill was on 4/17/81, passed as amended, and transmitted to the Senate:

House Bill No. 563, introduced by Bardanouve (90-8)

MOTIONS

Senator Stephens moved, duly carried, that the Senate recess at the hour of 3:30 p.m., subject to the Call of the Chair.

Senator Stephens moved that the Joint Rules of the Forty-seventh Legislative Session be temporarily suspended in order to permit receipt of House Bill Nos. 563, 666, 867, 868, and 869. Motion carried by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Goodover, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Kolstad, Lee, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Ryan, Smith, Stephens, Stimatz, Thomas, Towe, Tveit, Mr. President.
Total 41

Noes: Manley.
Total 1

Excused: Severson.
Total 1

Absent or not voting: Galt, Graham, Keating, Manning, Regan, Story, Van Valkenburg.
Total 7

Senator Stephens moved, duly carried, that the President be authorized to appoint a Free Conference Committee to confer on Senate Amendments to House Bill No. 611.

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Haffey in the Chair.

Senate resumed. President Turnage in the Chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on Second Reading, recommend as follows:

That House Bill No. 859 be concurred in by the following vote:

Ayes: Anderson, Blaylock, Boylan, Conover, Crippen, Dover, Eck, Etchart, Galt, Goodover, Hafferman, Hager, Halligan, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manning, Mazurek, McCallum, Nelson, Norman, O'Hara, Regan, Stephens, Stimatz, Story, Thomas, Towe, Van Valkenburg, Mr. President.
Total 35

Noes: Aklestad, Berg, B. Brown, S. Brown, Elliott, Hammond, Manley, Ochsner, Olson, Ryan, Smith, Tveit.
Total 12

Excused: Severson.
Total 1

Absent or not voting: Graham, Haffey.
Total 2

That House Joint Resolution No. 64 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Severson.
Total 1

Absent or not voting: None.
Total 0

That House Bill No. 718 be amended by adopting the following Statement of Intent:

STATEMENT OF INTENT: House Bill No. 718

A statement of intent is required for HB 718 because [section 6] grants rulemaking authority to the hard-rock mining impact board.

The legislature intends that the rules adopted by the board governing its proceedings be procedural in nature.

(1) The legislature intends that the board may adopt forms for notice required by the board and to be given by the board.

(2) The board is intended to act as a "referee" in hearing disputes between local government units and large-scale mineral developers over the impact plan submitted to the board under the provisions of [section 8]. The hearings are subject to Montana Administrative Procedure Act and any rules adopted by the board governing the hearings must be consistent with that act.

(3) The legislature intends that the rules adopted by the board governing the awarding of grants shall be consistent with the criteria set out in [section 7].

Amendment passed by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Severson.

Total 1

Absent or not voting: None.
Total 0

That House Bill No. 718 be amended as follows:

That the following amendment of the Senate Standing Committee on Taxation of April 15, 1981, be amended to read as follows:

37. Page 16, line 19.
Following: "YEAR"
Insert: "for that local government unit. Any local government unit not receiving a payment shall not be affected by this section and no reduction in value shall be used in the computation of taxes due that unit of local government. In no event shall the credit allowed under this act extend more than 10 years beyond the date the prepayment is made under this section."

Amendment passed by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Severson.
Total 1

Absent or not voting: None.
Total 0

That House Bill No. 718 be amended as follows:

1. Page 4, line 11.
Following: "paid"
Strike: "$50"
Insert: "$25"

Amendment passed by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Severson.
Total 1

Absent or not voting: None.

Total 0

That House Bill No. 718 be amended. Motion failed by the following vote:

Ayes: Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Eck, Halligan, Himsl, Manning, Norman, Ochsner, Regan, Ryan, Stimatz, Thomas, Towe, Van Valkenburg, Mr. President.
Total 20

Noes: Aklestad, Anderson, Dover, Elliott, Etchart, Galt, Goodover, Hafferman, Haffey, Hager, Hammond, Hazelbaker, Healy, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Mazurek, McCallum, Nelson, O'Hara, Olson, Smith, Stephens, Story, Tveit.
Total 28

Excused: Severson.
Total 1

Absent or not voting: Graham.
Total 1

That House Bill No. 718, as amended, be concurred in by the following vote:

Ayes: Aklestad, Anderson, Boylan, S. Brown, Conover, Dover, Eck, Etchart, Galt, Goodover, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Ryan, Smith, Stephens, Story, Thomas, Tveit, Van Valkenburg.
Total 39

Noes: Berg, Blaylock, B. Brown, Crippen, Elliott, Regan, Stimatz, Towe, Mr. President.
Total 9

Excused: Severson.
Total 1

Absent or not voting: Graham.
Total 1

That the Committee rise and report. (Haffey, Chairman)

Upon motion of Senator Haffey, duly carried, the foregoing Report of the Committee of the Whole was adopted.

At the request of the President, and without objection, the Senate reverted to Order of Business No. 6.

MOTIONS

Senator Stephens moved that the Joint Rules of the Forty-seventh Legislative Session be temporarily suspended in order to place House Bill No. 859, House Joint Resolution No. 64, and House Bill No. 718 on Third Reading this day. Motion carried by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Etchart, Galt, Goodover, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Manley, Manning, Mazurek, McCallum, Nelson, Ochsner, O'Hara, Olson, Regan, Ryan, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 44

Noes: None.
Total 0

Excused: Severson.
Total 1

Absent or not voting: Eck, Elliott, Graham, Lee, Norman.
Total 5

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

House Bill No. 859 was concurred in by the following vote:

Ayes: Aklestad, Anderson, Blaylock, Boylan, Conover, Crippen, Dover, Eck, Etchart, Galt, Goodover, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manning, Mazurek, McCallum, Nelson, Norman, O'Hara, Olson, Regan, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg.
Total 40

Noes: Berg, B. Brown, S. Brown, Elliott, Manley, Ochsner, Ryan, Mr. President.
Total 8

Excused: Severson.
Total 1

Absent or not voting: Graham.
Total 1

House Joint Resolution No. 64 was concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: Blaylock.
Total 1

Excused: None.
Total 0

Absent or not voting: Graham.
Total 1

(Including the following pair: Severson, aye - Blaylock, no.)

House Bill No. 718 was concurred in by the following vote:

Ayes: Aklestad, Anderson, Boylan, S. Brown, Conover, Dover, Eck, Etchart, Galt, Goodover, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, O'Hara, Olson, Ryan, Severson, Smith, Stephens, Story, Thomas, Tveit, Van Valkenburg.
Total 39

Noes: Berg, Blaylock, B. Brown, Crippen, Elliott, Ochsner, Regan, Stimatz, Towe, Mr. President.
Total 10

Excused: None.
Total 0

Absent or not voting: Graham.
Total 1

(Including the following pair: Severson, aye - Blaylock, no.)

At the request of the President, and without objection, the Senate reverted to Order of Business No. 3.

REPORTS OF SELECT COMMITTEES

FREE CONFERENCE COMMITTEE
ON SENATE BILL NO. 42
Report No. 1, April 15, 1981

MR. PRESIDENT AND SPEAKER OF THE HOUSE:

We, your Free Conference Committee on Senate Bill No. 42, met April 15, 1981, and considered:

House Committee of the Whole Amendments to the third reading copy, dated April 4, 1981, and recommend as follows:

That the House recede from Committee of the Whole Amendment Nos. 1 through 6;

That Senate Bill No. 42 be further amended as specified in CLERICAL INSTRUCTIONS NOS. 1 through 17;

That the reference copy of Senate Bill No. 42 read as specified in the CLERICAL INSTRUCTIONS;

And, that the Free Conference Committee Report to Senate Bill No. 42 be adopted.

CLERICAL INSTRUCTIONS:

1. Title, line 4.
Following: "INCREASE THE"
Strike: "PENALTY"
Insert: "INTEREST"

2. Title, line 6.
Following: "~~5/6 OF~~"
Insert: "5/6 OF"
Following: "PERCENT PER MONTH"
Insert: "FOR THE FIRST $3,000 OF EACH YEAR'S DELINQUENT TAXES AND 1 PERCENT PER MONTH FOR EACH YEAR'S DELINQUENT TAXES IN EXCESS OF $3,000"

3. Page 1, line 19.
Following: "and"
Insert: ": (i)"

4. Page 1, line 20.
Following: "of ~~5/6 of~~"
Insert: ": (A) 5/6 of 1% per month from and after such delinquency on the first $3,000 of each year's tax delinquency; and

(B)"

5. Page 1, line 21.
Following: "delinquency"
Insert: "on each year's tax delinquency in excess of $3,000;"
Following: "and"
Insert: "(ii)"
Following: "added to the"
Strike: "amount thereof"
Insert: "delinquent taxes"

6. Page 2, line 1.
Following: "and"
Insert: ": (i)"

7. Page 2, line 2.
Following: "~~5/6 OF~~"
Insert: ": (A) 5/6 of 1% per month from and after such delinquency on the first $3,000 of each year's tax delinquency; and

(B)"

8. Page 2, line 3.
Following: "delinquency"
Insert: "on each year's tax delinquency in excess of $3,000;"
Following: "and"
Insert: "(ii)"
Following: "added to the"
Strike: "amount thereof"
Insert: "delinquent taxes"

9. Page 3, line 14.
Following: "and"
Insert: ": (a)"

10. Page 3, line 15.
Following: "~~5/6 OF~~"
Insert: ": (i) 5/6 of 1% per month from and after such delinquency on the first $3,000 of each year's tax delinquency until paid; and

(ii)"

11. Page 3, line 16.
Following: "until paid"
Insert: "on each year's tax delinquency in excess of $3,000;"
Following: "and"
Insert: "(b)"

12. Page 3, line 17.
Following: line 16
Strike: "amount thereof"
Insert: "delinquent taxes"

13. Page 3, line 19.
Following: "and"
Insert: ": (a)"

14. Page 3, line 20.
Following: "~~5/6 OF~~"
Insert: ": (i) 5/6 of 1% per month from and after such delinquency on the first $3,000 of each year's tax delinquency until paid; and

(ii)"

15. Page 3, line 21.
Following: "until paid"
Insert: "on each year's tax delinquency in excess of $3,000;"
Following: "and"
Insert: "(b)"

16. Page 3, line 22.
Following: "the"
Strike: "amount thereof"
Insert: "delinquent taxes"

17. Page 4, line 6.
Following: "~~5/6 OF~~"
Insert: "5/6 OF"
Following: "month"
Insert: "on the first $3,000 of each year's delinquent taxes and 1% per month on each year's delinquent taxes in excess of $3,000"

FOR THE SENATE:

Senator McCallum, Chairman
Senator S. Brown
Senator Norman

FOR THE HOUSE:

Representative Seifert, Chairman
Representative Anderson
Representative Huennekens

Report adopted.

FREE CONFERENCE COMMITTEE
ON SENATE BILL NO. 257
Report No. 1, April 15, 1981

MR. PRESIDENT AND SPEAKER OF THE HOUSE:

We, your Free Conference Committee on Senate Bill No. 257, met April 15, 1981, and considered:

House State Administration Committee Amendments to the third reading copy, dated March 5, 1981;

House Committee of the Whole Amendments to the third reading copy, dated March 9, 1981, and;

House Appropriation Committee Amendments to the third reading copy, dated March 31, 1981, and recommend as follows:

That the Senate accede to State Administration Committee Amendment Nos. 1 through 4, dated March 5, 1981;

That the Senate accede to Committee of the Whole Amendment No. 1, dated March 9, 1981;

That the House recede from Appropriations Committee Amendment Nos. 1 and 2, dated March 31, 1981;

That the Senate accede to Appropriations Committee Amendment Nos. 3 through 5, dated March 31, 1981;

That Senate Bill No. 257 be further amended as specified in CLERICAL INSTRUCTION NO. 3;

That the reference copy, second printing, of Senate Bill No. 257 read as specified in the CLERICAL INSTRUCTIONS;

And, that the Free Conference Committee Report to Senate Bill No. 257 be adopted.

CLERICAL INSTRUCTIONS:

1. Page 1, line 24.
Following: "~~$24~~"
Strike: "$21"
Insert: "$24"

2. Page 1, line 25.
Following: "~~$3~~"
Strike: "$2"
Insert: "$3"

3. Page 2, line 2.
Following: "~~$8~~"
Strike: "$6.50"
Insert: "$7"

FOR THE SENATE:

Senator Hazelbaker, Chairman
Senator S. Brown
Senator Story

FOR THE HOUSE:

Representative Donaldson, Chairman
Representative Hanson
Representative Kanduch

Report adopted.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following Senate Bill was on 4/17/81, concurred in and returned to the Senate:

Senate Bill No. 229, introduced by Turnage (65-30)

FIRST READING OF BILLS

The following House bills were introduced, read first time and referred to committees:

HB 563, introduced by Bardanouve, (By Request of the Governor). Referred to Committee on Finance and Claims.

HB 666, introduced by Moore, House Appropriations Committee. Referred to Committee on Finance and Claims.

HB 867, introduced by Nordtvedt, Quilici, D. Brown. Referred to Committee on Finance and Claims.

HB 868, introduced by Shontz, Oberg, Harrington, Regan, Yardley, Huennekens, Matsko, Ryan, Eck, S. Brown, Nilson, Graham, J. Jacobson, Healy, Harp, Haffey, Conover, Berg, Boylan, Halligan, Schultz, Phillips, Wallin, Kropp, Briggs, (By Request of the Governor's Office). Referred to Committee on Finance and Claims.

HB 869, introduced by Meyer, Goodover, Hemstad, Fabrega, Conn, Keedy, McBride, Azzara, J. O'Hara, J. Jacobson, Nilson, Bergene, Pistoria, R. Manning, Lory, Haffey, Phillips, Neuman, O'Connell, Vinger, Crippen, Matsko, Anderson, Pavlovich, D. Brown, Eudaily, Hanson, McLane, Harrington, Daily, Kanduch, Devlin, Quilici, Burnett, Dussault, Shelden, Teague, Menahan, Holliday, Harper, Gould, Roush, Waldron, Kennerly, Huennekens, Fagg, Underdal, J. Ryan, Kitselman, Iverson, Curtiss, Feda, Asay, P. Ryan, Jacobsen, Metcalf, M. Hart, Zabrocki, Lee, Switzer, Oberg, Kemmis, Thomas, Severson, Yardley, Mazurek, Manley, Williams, Norman, B. Brown, Berg, Halligan, Olson, Boylan, Robbins, Hafferman, Towe, Tveit, Johnson, Conover, Ochsner, Healy. Referred to Committee on Finance and Claims.

ANNOUNCEMENTS

April 17, 1981

President Jean A. Turnage
Montana State Senate
Capitol Building
Helena, Montana 59620

Dear President Turnage:

The Legislative Wives Club has purchased a Montana flag bearing the new authorized inscription MONTANA for use by the Senate.

Your acceptance of this flag will be appreciated by the Legislative Wives Club.

We anticipate that the flag will be delivered some time in October, 1981.

Sincerely,

Eula Mae Turnage, Chairman

Barbara Marks, Vice-Chairman

Upon motion of Senator Stephens, duly carried, the Senate adjourned at 4:40 p.m. until Monday, April 20, at the hour of 1:30 p.m.

JEAN A. TURNAGE
President of the Senate

JOHN W. LARSON
Secretary of the Senate

EIGHTY-SEVENTH LEGISLATIVE DAY

Helena, Montana
April 20, 1981

Senate Chambers
Capitol Building

Senate convened at 1:30 p.m., President Turnage presiding. Invocation by the Chaplain. Pledge of Allegiance to the Flag.

Roll call. All members present except Tveit, Graham, Anderson, excused. Quorum present.

Mr. President: We, your Committee on Bills and Journal, having examined the daily journal for the Eighty-sixth Legislative Day, find the same to be correct.

O'HARA, Chairman

REPORTS OF STANDING COMMITTEES

LEGISLATIVE ADMINISTRATION (Kolstad, Chairman):
Respectfully reports as follows:

That the following attache of the Senate be terminated as of 5:00 p.m. on Friday, April 17, 1981:

Gail Stockwell.....Standing Comm. Secy.

That the following attaches of the Senate be terminated as of 5:00 p.m. on Saturday, April 18, 1981:

Elizabeth Elliott.....Page
Joni Meldrum.....Page
Bruce Cason.....Page

That the following attaches of the Senate be employed as of 8:00 a.m. on Monday, April 20, 1981:

Bill Huber.....Page
Kim Mehrens.....Page

Report adopted.

FINANCE AND CLAIMS (Himsl, Chairman):
HB 478, be concurred in. Report adopted.
HB 603, be concurred in. Report adopted.
HB 841, be concurred in. Report adopted.
HB 847, be concurred in. Report adopted.
HB 871, be concurred in. Report adopted.

REPORTS OF SELECT COMMITTEES

FREE CONFERENCE COMMITTEE
ON HOUSE BILL NO. 692
Report No. 1, April 14, 1981

MR. PRESIDENT AND SPEAKER OF THE HOUSE:

We, your Free Conference Committee on House Bill No. 692, met April 14, 1981, and considered:

Senate Business and Industry Committee Amendments to the third reading copy, dated March 21, 1981, and recommend as follows:

That the House accede to Committee Amendment No. 1;

That House Bill No. 692 be further amended as specified in CLERICAL INSTRUCTION NO. 1;

That the reference copy of House Bill No. 692 read as specified in the CLERICAL INSTRUCTIONS;

And, that the Free Conference Committee Report to House Bill No. 692 be adopted.

CLERICAL INSTRUCTIONS:

1. Page 2, line 6.
Following: "$50"
Insert: "per brewery"

FOR THE SENATE:

Senator Kolstad, Chairman
Senator Lee
Senator Boylan

FOR THE HOUSE:

Representative Meyer, Chairman
Representative Pavlovich
Representative Bergene

Report adopted.

MESSAGES FROM THE GOVERNOR

April 18, 1981

The Honorable Jean Turnage
President of the Senate
State Capitol
Helena, Montana 59620

Dear Mr. President:

This is to inform you that I have signed the following measures this date:

Senate Bill Nos. 30, 41.

I am also returning the following bills for amendment:

Senate Bill Nos. 150, 460.

Sincerely,

TED SCHWINDEN
Governor

April 18, 1981

The Honorable Jean A. Turnage
President of the Senate
State Capitol
Helena, Montana 59620

The Honorable Robert L. Marks
Speaker of the House
State Capitol
Helena, Montana 59620

Dear Senator Turnage and Representative Marks:

In accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby return Senate Bill No. 150, "AN ACT TO CLARIFY THE STATUTES ALLOWING THE

INVESTMENT CREDIT; AND TO INCREASE THE SMALL BUSINESS INVESTMENT CREDIT TO 30 PERCENT OF THE FEDERAL CREDIT; AMENDING SECTIONS 15-30-161, 15-30-162, AND 15-31-123, MCA; AND PROVIDING APPLICABILITY DATES," without my signature and recommend the attached amendment.

The way Section 15-30-161, MCA, reads after amendment by this bill, it allows the investment credit only to those individuals, estates and trusts owning an interest in partnerships and small business corporations electing to be taxed under 15-31-202. I do not believe it was the legislature's intent to eliminate the sole proprietor from eligibility for this credit, and accordingly, my proposed amendment ensures that the sole proprietorship form of small business qualifies for the credit.

I urge your concurrence in this proposed amendment.

Sincerely,

TED SCHWINDEN
Governor

PROPOSED GOVERNOR'S AMENDMENTS TO SENATE BILL NO. 150

1. Page 1, line 19.
Following: "~~section~~"
Insert: ", including those"

2. Page 1, line 21.
Following: "15-31-202"
Insert: ","

April 18, 1981

The Honorable Jean A. Turnage
President of the Senate
State Capitol
Helena, Montana 59620

The Honorable Robert L. Marks
Speaker of the House
State Capitol
Helena, Montana 59620

Dear Senator Turnage and Representative Marks:

In accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby return Senate Bill No. 460, "AN ACT TO REQUIRE THE COUNTY ASSESSOR TO RELEASE THE ROLLBACK TAX LIEN WHEN THE ROLLBACK TAX HAS BEEN PAID; AMENDING SECTION 15-7-209, MCA," without my signature and recommend the attached amendments.

Senate Bill No. 183, already passed and approved, repealed the rollback tax. My proposed amendments change Senate Bill No. 460 so that it is consistent with Senate Bill No. 183.

I urge your concurrence in these amendments.

Sincerely,

TED SCHWINDEN

Governor

PROPOSED GOVERNOR'S AMENDMENTS TO SENATE BILL NO. 460

1. Title, lines 5 and 6.
Following: "LIEN"
Strike: "WHEN THE ROLLBACK TAX HAS BEEN PAID"

2. Page 1, lines 19 through 23.
Following: "(2)"
Strike: remainder of lines 19 through 23 in their entirety
Insert: "The county assessor shall execute, in a form eligible for recording, releases of lien, for those liens attributable to the former rollback tax, and the assessor shall record the releases in the office of the clerk and recorder."

April 18, 1981

The Honorable Jean A. Turnage
President of the Senate
State Capitol
Helena, Montana 59620

The Honorable Robert L. Marks
Speaker of the House
State Capitol
Helena, Montana 59620

Dear Senator Turnage and Representative Marks:

In accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby veto House Bill No. 201, "AN ACT DIRECTING THE DEPARTMENT OF REVENUE TO COMPILE AND PUBLISH ANNUALLY INFORMATION OBTAINED FROM THE REALTY TRANSFER ACT AND TO REQUIRE THE DEPARTMENT OF REVENUE TO PROVIDE INFORMATION TO INDIVIDUAL TAXPAYERS CONCERNING THE VALUATION OF PROPERTIES COMPARABLE TO THEIR OWN; AMENDING SECTION 15-7-308, MCA."

House Bill 201 as passed, places an unacceptable burden on the Department of Revenue. The bill requires publication, by April 15 of each year, of a sales ratio study containing comparisons of the assessed value and sales price of real estate in the various counties and cities of the state from information obtained from realty transfer certificates. Because of other legislatively mandated requirements, not all counties can supply the necessary information to the Department in time for the April 15 deadline. Thus, the publication would be incomplete and of limited value for many of the state's counties.

Additionally, the bill requires the Department to provide taxpayers with sales and assessment data for comparable property when the taxpayer appeals an assessment. The necessary data is not available in computer data form, which would necessitate manual searches for data at the county level. House Bill No. 201 does not provide either the personnel or the funding to carry out this task.

For the following reasons, I hereby veto HB 201.

Sincerely,

TED SCHWINDEN
Governor

April 18, 1981

The Honorable Jean A. Turnage
President of the Senate
State Capitol
Helena, Montana 59620

The Honorable Robert L. Marks
Speaker of the House
State Capitol
Helena, Montana 59620

Dear Senator Turnage and Representative Marks:

In accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby return House Bill No. 372, "AN ACT TO PROVIDE A METHOD FOR REVIEWING DISABILITY RETIREMENT BENEFITS OF THE JUDGES', HIGHWAY PATROLMEN'S, SHERIFFS', GAME WARDENS', AND MUNICIPAL POLICE OFFICERS' RETIREMENT SYSTEMS; AMENDING SECTIONS 19-9-901, 19-9-904, AND 19-9-905, MCA," without my signature and recommend the attached amendment.

The purpose of my proposed amendment is simply to change an incorrect reference to the Department of Highways to the Department of Justice.

I urge your concurrence in this amendment.

Sincerely,

TED SCHWINDEN
Governor

PROPOSED GOVERNOR'S AMENDMENT TO HOUSE BILL NO. 372

1. Page 4, line 21.
Following: "OF"
Strike: "HIGHWAYS"
Insert: "JUSTICE"

April 18, 1981

The Honorable Jean A. Turnage
President of the Senate
State Capitol
Helena, Montana 59620

The Honorable Robert L. Marks
Speaker of the House
State Capitol
Helena, Montana 59620

Dear Senator Turnage and Representative Marks:

In accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby return House Bill No. 403, "AN ACT TO PROVIDE THAT ONLY THE DEFENDANT IN A CRIMINAL ACTION MAY RAISE HIS LACK OF FITNESS TO PROCEED AND TO MAKE THE STATE LIABLE FOR THE COSTS OF

COMMITMENT IN PLACE OF TRIAL AND IMPRISONMENT; AMENDING SECTIONS 46-14-202 AND 46-14-221, MCA," without my signature and recommend the attached amendments for the following reasons.

House Bill No. 403 as passed, requires in pertinent part, that the cost of transporting and keeping patients committed under the provision of Section 46-14-221, MCA, be the obligation of the state. This is currently a fiscal obligation of the county. HB 403 would cause a loss of revenue to the state general fund in excess of $110,000 a year. In addition, the cost to Warm Springs State Hospital for the transportation of such patients would be an undeterminable amount of money for which no budget provisions have been made.

I am proposing amendments which return Section 46-14-221(5), MCA, to its existing statutory form, and which change the title accordingly. My amendments do not propose any changes to HB 403 pertaining to who may raise the defendant's lack of fitness in a criminal action.

Inasmuch as funding has not been provided in the appropriation bill to cover the costs that would be incurred by the Department, I urge your concurrence in these amendments.

Sincerely,

TED SCHWINDEN
Governor

PROPOSED GOVERNOR'S AMENDMENTS TO HOUSE BILL NO. 403

1. Title, line 1.
Following: "PROCEED"
Strike: "TO MAKE THE STATE LIABLE FOR THE COSTS OF COMMITMENT IN PLACE OF TRIAL AND IMPRISONMENT"

2. Page 3, line 22.
Following: "~~instance~~"
Insert: "in the first instance"

3. Page 3, line 23.
Following: "the"
Insert: "county in which the indictment was found or the"

4. Page 3, line 24.
Following: line 23
Insert: "information filed"

5. Page 3, line 24.
Following: "~~filed~~"
Strike: "state"

6. Page 3, line 24.
Following: "~~county~~"
Strike: "state"
Insert: "county"

7. Page 3, line 25.
Following: "defendant"
Insert: ", if he has any, or"

8. Page 4, lines 1 and 2.
Following: line 25

Insert: "from a town, city, or county bound to provide for and maintain him elsewhere."

April 18, 1981

The Honorable Jean A. Turnage
President of the Senate
State Capitol
Helena, Montana 59620

The Honorable Robert L. Marks
Speaker of the House
State Capitol
Helena, Montana 59620

Dear Senator Turnage and Representative Marks:

It has come to my attention that my proposed amendment to House Bill No. 510 was prefaced by an incorrect page reference. Accordingly, the purpose of this letter is to request that you use the attached sheet to make the required correction in my proposed amendment.

Sincerely,

TED SCHWINDEN
Governor

ERRATA SHEET
PROPOSED GOVERNOR'S AMENDMENTS TO HOUSE BILL NO. 510

Proposed amendment instructions should read as follows, instructions refer to reference copy:

1. Title, lines 6 and 7.
Following: "TO", line 6
Strike: "LIMIT THE NUMBER OF INDIVIDUAL SURETIES AND"
Insert: "PROVIDE THAT SURETIES MUST BE ACCEPTABLE TO GOVERNMENTAL BODY AND THAT SURETY COMPANIES MUST BE LICENSED, AND TO"

April 17, 1981

The Honorable Jean A. Turnage
President of the Senate
State Capitol
Helena, Montana 59620

The Honorable Robert L. Marks
Speaker of the House
State Capitol
Helena, Montana 59620

Dear Senator Turnage and Representative Marks:

In accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby veto House Bill No. 626, "AN ACT TO REPEAL THE "EXCLUSIONARY RULE"; PROVIDING A CIVIL REMEDY FOR VIOLATION OF A PERSON'S CONSTITUTIONAL PRIVACY RIGHTS AND SEARCH AND SEIZURE RIGHTS; REQUIRING SUSPENSION OR DISMISSAL FROM EMPLOYMENT FOR AN AGENT OF THE STATE OR A POLITICAL

SUBDIVISION THEREOF WHO WRONGFULLY VIOLATES A PERSON'S CONSTITUTIONAL SEARCH AND SEIZURE RIGHTS; AMENDING SECTION 46-5-104, MCA; REPEALING SECTION 46-13-302, MCA," without my signature.

HB 626, as passed, repeals the "Exclusionary Rule" which protects a citizen from the use of evidence which has been obtained by an unlawful search and seizure for trial purposes. In its place, HB 626 provides a civil remedy for violations of a citizen's constitutional right of privacy, and protection against unreasonable search and seizure. In addition, HB 626 requires suspension or dismissal of a law enforcement official who wrongly violates these constitutional rights.

The "Exclusionary Rule" was developed to enforce our constitutional right of privacy and protection against unreasonable search and seizure. Because an action for damages may not adequately guarantee these Constitutional rights, HB 626 may be unconstitutional. Any benefits realized by using unconstitutionally seized evidence are outweighed by the costs a free society must pay as a whole.

Proponents of HB 626, who constituted a legislative majority, searched for an alternative to the exclusionary rule. They argued persuasively that the alternatives proposed would prevent suspects from getting off on "technicalities".

Opponents of HB 626 argue that it will encourage overzealous police to invade our homes with the slightest provocation or, conversely, create "do-nothing cops" hesitant to conduct a search and seizure for fear of dismissal. Neither alternative is acceptable in a society dedicated to upholding law and order.

Complex issues force hard decisions. The issues surrounding HB 626 are complicated, emotional and allow reasonable people to differ. Complexity and emotion, however, must not be allowed to obscure the 'bottom line'. Protection against unlawful search and seizure, and the right of individual privacy in our homes, are principles fundamental to our society.

Currently, a good faith attempt is made by law enforcement officials to act on probable cause before embarking on any search and seizure. The specter of harassment from lawsuits or dismissal may destroy the good faith effort to enforce the law in the spirit of the Constitution.

As Justice Brandeis succinctly said, "If the government becomes a lawbreaker, it breeds contempt for law . . . ". In support of 'law and order' and with a strong personal commitment to the sanctity of our homes, I hereby veto House Bill No. 626.

Sincerely,

TED SCHWINDEN
Governor

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following Governor's Amendments to Senate Bills were on 4/20/81, concurred in on Third Reading, and returned to the Senate:

Governor's Amendments to Senate Bill No. 49 (86-8)

Governor's Amendments to Senate Bill No. 58 (82-12)

Governor's Amendments to Senate Bill No. 78 (83-10)

Governor's Amendments to Senate Bill No. 85 (85-11)

Governor's Amendments to Senate Bill No. 161 (83-12)

Governor's Amendments to Senate Bill No. 461 (79-14)

The following Free Conference Committee Reports were on 4/20/81, adopted on Third Reading:

Free Conference Committee Report on House Bill No. 200

Free Conference Committee Report on House Bill No. 488

Free Conference Committee Report on Senate Bill No. 253

The following Conference Committee Reports were on 4/20/81, adopted on Third Reading:

Conference Committee Report to Senate Bill No. 152

Conference Committee Report to House Bill No. 26

Conference Committee Report to House Bill No. 135

Conference Committee Report to House Bill No. 209

The Senate Amendments to the following House Joint Resolution were on 4/20/81, concurred in on Third Reading:

Senate Amendments to House Joint Resolution No. 58, introduced by Nordtvedt (90-5)

The Senate Amendments to the following House Bills were on 4/20/81, concurred in on Third Reading:

Senate Amendments to House Bill No. 217, introduced by Menahan (95-0)

Senate Amendments to House Bill No. 542, introduced by Ellison (96-0)

Senate Amendments to House Bill No. 653, introduced by Nordtvedt (91-5)

Senate Amendments to House Bill No. 801, introduced by Lund (90-6)

The following House Joint Resolution was on 4/20/81, passed and transmitted to the Senate for concurrence:

House Joint Resolution No. 66, introduced by D. Brown (90-6)

The following House Bills were on 4/20/81, passed and transmitted to the Senate for concurrence:

House Bill No. 873, introduced by Menahan (89-3)

House Bill No. 874, introduced by Roth (84-9)

The House on 4/20/81, concurred in the Governor's Amendments to House Bill No. 445 on Third Reading, and the amendments with the following bill were transmitted to the Senate for concurrence:

House Bill No. 445, introduced by Roth (85-7)

SPECIAL ORDERS OF THE DAY

The President appointed the following as conferees on House Amendments to Senate Bill No. 77:

Senator Himsl, Chairman

Senator Olson
Senator Van Valkenburg

The President appointed the following as conferees on House Amendments to Senate Joint Resolution No. 21:

Senator Kolstad, Chairman
Senator Goodover
Senator Regan

The President appointed the following as conferees on Senate Amendments to House Bill No. 611:

Senator Himsl, Chairman
Senator Hammond
Senator Boylan

At the request of the President, and without objection, the Senate reverted to Order of Business No. 6.

MOTIONS

Senator Stephens moved that the Joint Rules of the Forty-seventh Legislative Session be temporarily suspended in order to permit the receipt of House Bill Nos. 873 and 874. Motion carried by the following vote:

Ayes: Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Eck, Etchart, Galt, Goodover, Haffey, Halligan, Hazelbaker, Healy, Jacobson, Kolstad, Lee, Manning, Mazurek, McCallum, Norman, Ochsner, Regan, Ryan, Severson, Stephens, Stimatz, Thomas, Towe, Van Valkenburg, Mr. President.
Total 32

Noes: Aklestad, Crippen, Dover, Elliott, Hafferman, Hager, Hammond, Himsl, Johnson, Keating, Manley, Nelson, O'Hara, Olson, Story.
Total 15

Excused: Graham, Tveit.
Total 2

Absent or not voting: Smith.
Total 1

Senator Goodover moved, duly carried, that the Free Conference Committee Report on House Amendments to Senate Bill No. 33 be taken from Second Reading this day and rereferred to the Conference Committee.

Senator Dover moved, duly carried, that House Bill No. 397 be taken from Second Reading this day and rereferred to the Committee on Natural Resources.

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Anderson in the Chair.

Senate resumed. President Turnage in the Chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on Second Reading, recommend as follows:

That House Bill No. 261, without objection, be moved to the bottom of the board.

That House Bill No. 460 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Graham, Tveit.
Total 2

Absent or not voting: None.
Total 0

That Senate Joint Resolution No. 35 do pass by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Graham, Tveit.
Total 2

Absent or not voting: None.
Total 0

That House Joint Resolution No. 67 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Graham, Tveit.
Total 2

Absent or not voting: None.
Total 0

That House Amendments to Senate Bill No. 210 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover,

Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Graham, Tveit.
Total 2

Absent or not voting: None.
Total 0

That House Amendments to Senate Bill No. 269 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Graham, Tveit.
Total 2

Absent or not voting: None.
Total 0

That House Amendments to Senate Bill No. 322 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Graham, Tveit.
Total 2

Absent or not voting: None.
Total 0

That House Amendments to Senate Joint Resolution No. 26 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl,

Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Graham, Tveit.
Total 2

Absent or not voting: None.
Total 0

That the Governor's Amendments to House Bill No. 18, without objection, be moved to the bottom of the board.

That the Free Conference Committee Report to Senate Bill No. 42 be adopted by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Van Valkenburg, Mr. President.
Total 45

Noes: Lee, Manley, Ryan.
Total 3

Excused: Graham, Tveit.
Total 2

Absent or not voting: None.
Total 0

That the Free Conference Committee Report to Senate Bill No. 257 be adopted by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Graham, Tveit.
Total 2

Absent or not voting: None.
Total 0

That the Free Conference Committee Report to Senate Bill No. 452 be adopted by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover,

Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Graham, Tveit.
Total 2

Absent or not voting: None.
Total 0

That House Bill No. 261 pass consideration. Motion carried by the following vote:

Ayes: Aklestad, Berg, Blaylock, Boylan, Conover, Eck, Elliott, Goodover, Halligan, Hammond, Healy, Lee, Manley, Mazurek, McCallum, Nelson, Ochsner, Olson, Regan, Ryan, Smith, Story, Mr. President.
Total 23

Noes: Anderson, B. Brown, S. Brown, Crippen, Dover, Etchart, Hafferman, Haffey, Hager, Hazelbaker, Himsl, Jacobson, Johnson, Keating, Kolstad, O'Hara, Severson, Stephens, Stimatz, Thomas, Towe.
Total 21

Excused: Graham, Tveit.
Total 2

Absent or not voting: Galt, Manning, Norman, Van Valkenburg.
Total 4

That the Governor's Amendments to House Bill No. 18 be concurred in by the following vote:

Ayes: Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Eck, Goodover, Hafferman, Haffey, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Manning, Mazurek, McCallum, Norman, O'Hara, Olson, Ryan, Severson, Stephens, Stimatz, Thomas, Towe, Van Valkenburg, Mr. President.
Total 32

Noes: Aklestad, Crippen, Dover, Elliott, Etchart, Hager, Keating, Kolstad, Lee, Manley, Nelson, Ochsner, Smith, Story.
Total 14

Excused: Graham, Tveit.
Total 2

Absent or not voting: Galt, Regan.
Total 2

That the Committee rise and report and beg leave to sit again. (Anderson, Chairman)

That House Bill No. 460 be segregated from the Committee of the Whole Report. Motion failed by the following vote:

Ayes: Aklestad, Anderson, Boylan, Halligan, Healy, Lee, Manley, Olson, Ryan, Story.
Total 10

Noes: Berg, Blaylock, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Goodover, Hafferman, Haffey, Hager, Hammond, Hazelbaker, Himsl, Jacobson, Johnson, Keating, Kolstad, Manning, Mazurek, McCallum, Nelson, Norman, O'Hara, Regan, Severson, Smith, Stephens, Thomas, Towe, Van Valkenburg, Mr. President.
Total 35

Excused: Graham, Tveit.
Total 2

Absent or not voting: Galt, Ochsner, Stimatz.
Total 3

Upon motion of Senator Anderson, duly carried, the foregoing Report of the Committee of the Whole was adopted.

At the request of the President, and without objection, the Senate reverted to Order of Business No. 6.

MOTIONS

Senator Stephens moved that the Joint Rules of the Forty-seventh Legislative Session be temporarily suspended in order to place House Bill No. 460; Senate Joint Resolution No. 35, House Joint Resolution No. 67; Governor's Amendments to House Bill No. 18; House Amendments to Senate Bill Nos. 210, 269, and 322; and House Amendments to Senate Joint Resolution No. 26 on Third Reading this day. Motion carried by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Johnson, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Van Valkenburg, Mr. President.
Total 46

Noes: None.
Total 0

Excused: Graham, Tveit.
Total 2

Absent or not voting: Jacobson, Keating.
Total 2

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

House Bill No. 460 was concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manning, Mazurek, McCallum, Nelson, Norman, O'Hara, Regan, Ryan, Severson, Smith, Stephens, Story, Thomas, Towe, Van Valkenburg, Mr. President.
Total 44

Noes: Manley, Ochsner, Olson, Stimatz.
Total 4

Excused: Graham, Tveit.
Total 2

Absent or not voting: None.
Total 0

Senate Joint Resolution No. 35 was passed by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Graham, Tveit.
Total 2

Absent or not voting: None.
Total 0

House Joint Resolution No. 67 was concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Ryan, Severson, Smith, Stephens, Stimatz, Thomas, Towe, Van Valkenburg, Mr. President.
Total 45

Noes: S. Brown, Regan, Story.
Total 3

Excused: Graham, Tveit.
Total 2

Absent or not voting: None.
Total 0

House Amendments to Senate Bill No. 210 were concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Graham, Tveit.
Total 2

Absent or not voting: None.

Total 0

House Amendments to Senate Bill No. 269 were concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Van Valkenburg.
Total 47

Noes: None.
Total 0

Excused: Graham, Tveit.
Total 2

Absent or not voting: Mr. President.
Total 1

House Amendments to Senate Bill No. 322 were concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Van Valkenburg.
Total 47

Noes: None.
Total 0

Excused: Graham, Tveit.
Total 2

Absent or not voting: Mr. President.
Total 1

House Amendments to Senate Joint Resolution No. 26 were concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Boylan, B. Brown, Conover, Crippen, Dover, Elliott, Etchart, Galt, Goodover, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Van Valkenburg, Mr. President.
Total 44

Noes: Blaylock, S. Brown, Eck, Ryan.
Total 4

Excused: Graham, Tveit.
Total 2

Absent or not voting: None.
Total 0

Governor's Amendments to House Bill No. 18 were concurred in by the following vote:

Ayes: Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Eck, Elliott, Galt, Goodover, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Manning, Mazurek, McCallum, Norman, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Thomas, Towe, Van Valkenburg, Mr. President.
Total 38

Noes: Aklestad, Dover, Etchart, Keating, Kolstad, Lee, Manley, Nelson, Ochsner, Story.
Total 10

Excused: Graham, Tveit.
Total 2

Absent or not voting: None.
Total 0

The Free Conference Committee Report to Senate Bill No. 42 was adopted by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Van Valkenburg, Mr. President.
Total 44

Noes: Hafferman, Lee, Manley, Ryan.
Total 4

Excused: Graham, Tveit.
Total 2

Absent or not voting: None.
Total 0

The Free Conference Committee Report to Senate Bill No. 257 was adopted by the following vote:

Ayes: Anderson, Berg, Blaylock, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Van Valkenburg, Mr. President.
Total 39

Noes: Aklestad, Boylan, Goodover, Keating, Kolstad, Lee, Manley, Ryan.
Total 8

Excused: Graham, Tveit.
Total 2

Absent or not voting: Manning.
Total 1

The Free Conference Committee Report to Senate Bill No. 452 was adopted by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Eck, Elliott, Etchart, Galt, Goodover, Hafferman,

Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Regan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Van Valkenburg, Mr. President.
Total 43

Noes: Dover, Healy, Manley, Olson, Ryan.
Total 5

Excused: Graham, Tveit.
Total 2

Absent or not voting: None.
Total 0

At the request of the President, and without objection, the Senate reverted to Order of Business No. 2.

REPORTS OF STANDING COMMITTEES

FINANCE AND CLAIMS (Himsl, Chairman):
HB 872, third reading copy, be amended as follows:

1. Page 1, line 19.
Following: "speaker"
Insert: "and minority leader"

2. Page 1, line 21.
Following: line 20
Strike: "committee on committees"
Insert: "president and minority leader"

3. Page 3, line 12.
Following: "as the"
Strike: "state's"
Insert: "legislature's"

4. Page 3, line 18.
Following: "remodeling."
Insert: "Allocation of space shall include adequate space in the capitol for the staff of the legislative finance committee, legislative audit committee, and the legislative council."

And, as so amended, be concurred in. Report adopted.

BILLS (O'Hara, Chairman):
Correctly enrolled - SB 17, SB 19, SB 362, SJR 25, SJR 27. Report adopted.

I have examined Senate Bill No. 362 introduced by me and find the same to be correct. (Van Valkenburg)

I have examined Senate Bill No. 19 introduced by me and find the same to be correct. (B. Brown)

I have examined Senate Bill No. 17 introduced by me and find the same to be correct. (Thomas)

I have examined Senate Joint Resolution No. 25 introduced by me and find the same to be correct. (McCallum)

I have examined Senate Joint Resolution No. 27 introduced by me and find the same to be correct. (Kolstad)

The Senate will please take note that the President did, at the hour of 2:00 p.m., 4/20/81, sign the following bills:

SB 17, SB 19, SB 362, HB 568, HB 854, HB 863, HB 864, SJR 25, SJR 27.

Jean A. Turnage
President

REPORTS OF SELECT COMMITTEES

FREE CONFERENCE COMMITTEE
ON SENATE BILL NO. 33
Report No. 3, April 20, 1981

MR. PRESIDENT AND SPEAKER OF THE HOUSE:

We, your Free Conference Committee on Senate Bill No. 33, met April 20, 1981, and considered:

House Judiciary Committee Amendments to the third reading copy, dated March 26, 1981, and;

House Committee of the Whole Amendments to the third reading copy, dated March 30, 1981, and recommend as follows:

That the Senate accede to Standing Committee Amendment Nos. 1 through 9, dated March 26, 1981;

That the Senate accede to Committee of the Whole Amendment No. 1, dated March 30, 1981;

That Senate Bill No. 33 be further amended as specified in CLERICAL INSTRUCTIONS NOS. 1 and 2;

That the reference copy of Senate Bill No. 33 read as specified in the CLERICAL INSTRUCTIONS;

And, that the Free Conference Committee Report to Senate Bill No. 33 be adopted.

CLERICAL INSTRUCTIONS:

1. Page 51, line 2.
Following: "on"
Strike: "adjusted gross"

2. Page 51, line 4.
Strike: line 4 in its entirety

FOR THE SENATE:

Senator Goodover, Chairman
Senator Mazurek
Senator Olson

FOR THE HOUSE:

Representative Seifert, Chairman
Representative Anderson
Representative Huennekens

Report adopted.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following Senate Bill was on 4/20/81, concurred in and returned to the Senate:

Senate Bill No. 15, introduced by Mazurek (91-3)

The House on 4/14/81, authorized the Speaker to appoint a Conference Committee to confer on House Amendments to Senate Bill No. 325.

The Speaker appointed the following members:

Representative Sales, Chairman
Representative Vinger
Representative Dussault

FIRST READING OF BILLS

The following House bills were introduced, read first time and referred to committees:

HB 873, introduced by Menahan, Haffey, Kanduch, Azzara, Pavlovich, Keyser, Moore, Conn, Dussault, D. Brown, McBride, Harrington, Daily, Kemmis, Metcalf, Kennerly, M. Hart, Waldron, Huennekens, Zabrocki, Robbins, Yardley, Williams, McLane, Conroy, Asay, Feda, Vinger, Fabrega, Meyer, Bertelsen, Bergene, Hemstad, Matsko, Roth, Phillips, Schultz, Briggs, Iverson, Switzer, Devlin, Curtiss, Underdal, J. Ryan, Jensen. Referred to Committee on Finance and Claims.

HB 874, introduced by Roth, Manley, Curtiss, McLane, Conroy, Galt, Thoft. Referred to Committee on Agriculture, Livestock and Irrigation.

The following House Joint Resolution was introduced, read first time and referred to committee:

HJR 66, introduced by D. Brown, Ellison, Marks, Conroy, Quilici, Pavlovich, Goodover, Neuman, Daily, Iverson, Mueller, Harp, Towe, Healy, Hager, McLane. Referred to Committee on Natural Resources.

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Anderson in the Chair.

Senate resumed. President Turnage in the Chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on Second Reading, recommend as follows:

That the Free Conference Committee Report on Senate Bill No. 33 be adopted by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Graham, Tveit.
Total 2

Absent or not voting: None.
Total 0

That the Committee rise and report. (Anderson, Chairman)

Upon motion of Senator Anderson, duly carried, the foregoing Report of the Committee of the Whole was adopted.

THIRD READING OF BILLS

The following bill having been read three several times, title and history agreed to, was disposed of in the following manner:

The Free Conference Committee Report to Senate Bill No. 33 was adopted by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Elliott, Etchart, Galt, Goodover, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Mr. President.
Total 44

Noes: None.
Total 0

Excused: Graham, Tveit.
Total 2

Absent or not voting: Eck, Manning, Ryan, Van Valkenburg.
Total 4

Upon motion of Senator Stephens, duly carried, the Senate adjourned at 3:06 p.m. until Tuesday, April 21, at the hour of 1:30 p.m.

JEAN A. TURNAGE
President of the Senate

JOHN W. LARSON
Secretary of the Senate

EIGHTY-EIGHTH LEGISLATIVE DAY

Helena, Montana
April 21, 1981

Senate Chambers
Capitol Building

Senate convened at 1:30 p.m., President Pro Tempore Kolstad presiding. Invocation by the Chaplain. Pledge of Allegiance to the Flag.

Roll call. All members present. Quorum present.

Mr. President: We, your Committee on Bills and Journal, having examined the daily journal for the Eighty-seventh Legislative Day, find the same to be correct.

O'HARA, Chairman

REPORTS OF STANDING COMMITTEES

The Senate will please take note that the President did, at the hour of 3:45 p.m., 4/20/81, sign the following bills:
HB 620, HB 870.

Jean A. Turnage
President

Signed by the Speaker of the House and President of the Senate, 4/21/81, at the hour of 10:30 a.m., delivered to the Governor for his approval SB 17, SB 19, SB 362. Report adopted.

FINANCE AND CLAIMS (Himsl, Chairman):
HB 563, be concurred in. Report adopted.

MESSAGES FROM THE GOVERNOR

April 20, 1981

The Honorable Jean Turnage
President of the Senate
State Capitol
Helena, Montana 59620

Dear Mr. President:

This is to inform you that I have signed the following measures this date:

Senate Bill Nos. 287, 244, 347, 139, 270, 480, 466, 272, 288, 96, 484.

Sincerely,

TED SCHWINDEN
Governor

April 20, 1981

The Honorable Jean A. Turnage
President of the Senate
State Capitol
Helena, Montana 59620

The Honorable Robert L. Marks
Speaker of the House
State Capitol
Helena, Montana 59620

Dear Senator Turnage and Representative Marks:

In accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby veto House Bill No. 329, "AN ACT TO GENERALLY REVISE THE PROCEDURE FOR OBTAINING AN ECONOMIC IMPACT STATEMENT REQUIRED BY THE ADMINISTRATIVE CODE COMMITTEE AND ITS PUBLICATION BY THE SECRETARY OF STATE; AMENDING SECTIONS 2-4-305 AND 2-4-405, MCA."

House Bill No. 329 as passed, allows the Administrative Code Committee to suspend any rulemaking proceedings for up to six months if the Committee requests an agency to prepare an economic impact statement. This grant of authority to the committee raises a constitutional question relating to "Separation of Powers". The power to suspend rulemaking substantially interferes with my constitutional duty to see that the laws are expeditiously and faithfully executed. A suspension of rulemaking for up to six months may affect Montana's compliance with federal law where rulemaking is necessary in order to maintain jurisdiction of programs and eligibility for federal funds.

My major concern, however, is the delay inevitably resulting from a legislative suspension of rules. The current rulemaking process takes up to six months, in addition to the time required for preliminary study and analysis. At a time when I am actively seeking to create an atmosphere conducive to economic development in this state, the additional six-month delay allowed by HB 329 is unacceptable. Moreover, the uncertainty associated with a legislative committee decision to suspend rules could be a significant deterrent to an investor, or to a business impacted by the rulemaking process.

Mechanisms already exist under present law to require economic analysis of proposed rules. Under existing law the Administrative Code Committee may request an agency to prepare an economic impact statement under the language of the Administrative Procedures Act. Additionally, if an EIS is being prepared under the Montana Environmental Policy Act, that EIS must analyze the economic impact of the proposed rules.

Delayed decisions and uncertainty over rule suspensions would have a negative impact on economic development and are ample reasons to veto HB 329.

Sincerely,

TED SCHWINDEN
Governor

April 20, 1981

The Honorable Jean A. Turnage
President of the Senate
State Capitol
Helena, Montana 59620

The Honorable Robert L. Marks
Speaker of the House
State Capitol
Helena, Montana 59620

Dear Senator Turnage and Representative Marks:

In accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby return House Bill No. 97, "AN ACT TO CLARIFY AND REVISE THE DEFINITIONS AND THE PROCEDURES FOR REFUNDING MEMBERS' CONTRIBUTIONS AND FOR PAYMENT OF INVOLUNTARY RETIREMENT ALLOWANCES USED IN THE MONTANA STATE GAME WARDENS' RETIREMENT SYSTEM; AMENDING SECTIONS 19-8-101, 19-8-503, 19-8-601, AND 19-8-604, MCA," without my signature and recommend the attached amendment.

My proposed amendment is to clarify the applicability section.

I urge your concurrence in this amendment.

Sincerely,

TED SCHWINDEN
Governor

PROPOSED GOVERNOR'S AMENDMENT TO HOUSE BILL NO. 97

1. Page 5, line 6.
Following: "AMENDMENTS"
Strike: "TO"
Insert: "made by"

April 20, 1981

The Honorable Jean A. Turnage
President of the Senate
State Capitol
Helena, Montana 59620

The Honorable Robert L. Marks
Speaker of the House
State Capitol
Helena, Montana 59620

Dear Senator Turnage and Representative Marks:

In accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby return House Bill No. 702, "AN ACT TO LIMIT THE MAXIMUM FEE THAT THE DEPARTMENT OF ADMINISTRATION CAN CHARGE FOR RECEIVING AND PROCESSING ELEVATOR AND ESCALATOR CONDITION REPORTS; AMENDING SECTION 50-60-701, MCA," without my signature and recommend the attached amendments for the following reasons.

The language in House Bill No. 702 on page 2, does not adequately represent the intent of the legislature. It appears that the legislature intended to excuse the Department of Administration from a follow-up inspection of an elevator or escalator if the certified maintenance or insurance company inspector doing the inspection certifies to the department that all deficient conditions noted in the condition report have been corrected.

I am proposing amendments to clarify this legislative intent.

I urge your concurrence in these amendments.

Sincerely,

TED SCHWINDEN

Governor

PROPOSED GOVERNOR'S AMENDMENTS TO HOUSE BILL NO. 702

1. Page 2, line 10.
Following: "inspection"
Insert: ","

2. Page 2, line 14.
Following: "CORRECTED"
Insert: ","

3. Page 2, line 15.
Following: line 14
Strike: "AND"
Insert: "than"

April 20, 1981

The Honorable Jean A. Turnage
President of the Senate
State Capitol
Helena, Montana 59620

The Honorable Robert L. Marks
Speaker of the House
State Capitol
Helena, Montana 59620

Dear Senator Turnage and Representative Marks:

In accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby return House Bill No. 765, "AN ACT TO PROVIDE FOR MUNICIPAL REGULATION OF MUNICIPALLY OWNED UTILITIES; TO ESTABLISH MAXIMUM INCREASES ALLOWED; TO REQUIRE REPORTING TO THE PUBLIC SERVICE COMMISSION AND THE MONTANA CONSUMER COUNSEL; AND AMENDING SECTION 69-3-101, MCA; AND PROVIDING A PERIOD OF EFFECTIVENESS," without my signature and recommend the attached amendments for the following reasons.

The first sentence in Section 5 of HB 765 requires clarification regarding the magnitude of rate increases that triggers Public Service Commission involvement. My first proposed amendment provides this clarification.

My second proposed amendment strikes a reference to a subsection which was deleted by an amendment to the bill.

I urge your concurrence in these amendments.

Sincerely,

TED SCHWINDEN
Governor

PROPOSED GOVERNOR'S AMENDMENTS TO HOUSE BILL NO. 765

1. Page 4, line 7.
Following: "YIELD"
Insert: "an increase in"

2. Page 5, lines 13 and 14.
Following: "(1)"

Strike: "Except as provided in subsection (2), the"

3. Page 5, line 14.
Following: "the"
Strike: "The"
Insert: "The"

April 20, 1981

The Honorable Jean A. Turnage
President of the Senate
State Capitol
Helena, Montana 59620

The Honorable Robert L. Marks
Speaker of the House
State Capitol
Helena, Montana 59620

Dear Senator Turnage and Representative Marks:

In accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby return House Bill No. 507, "AN ACT TO ALLOW THE REMAINING TRANSPORTATION BOARD MEMBERS TO FILL VACANCIES ON THE TRANSPORTATION BOARD; TO REMOVE THE 2 WEEK WAITING PERIOD REQUIREMENT AFTER THE REQUIREMENT OF NOTICE OF VACANCY HAS BEEN MET; AMENDING SECTIONS 7-14-216 AND 7-14-217, MCA," without my signature and recommend the following amendment for the following reason.

After introduction, HB 507 was amended to provide for a selection board which would choose persons to fill vacancies on transportation boards, rather than having the remaining board members fill the vacancies. The title was not amended at that time to reflect this change. I am proposing an amendment to the title so it reflects the change in the bill.

I urge your concurrence in this amendment.

Sincerely,

TED SCHWINDEN
Governor

PROPOSED GOVERNOR'S AMENDMENT TO HOUSE BILL NO. 507

1. Title, lines 4 and 5.
Following: "TO"
Strike: "ALLOW THE REMAINING TRANSPORTATION BOARD MEMBERS"
Insert: "PROVIDE THE MEMBERSHIP OF A SELECTION BOARD"

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following Senate Bill was on 4/21/81, concurred in as amended, and returned to the Senate for concurrence in House Amendments:

Senate Bill No. 485, introduced by Berg (96-0)

The House on 4/20/81, dissolved the Conference Committee and the Speaker was authorized to appoint a new Conference Committee. The

House respectfully requests the Senate to appoint a like committee to confer on Senate Amendments to House Bill No. 775.

The Speaker appointed the following members:

Representative Nordtvedt, Chairman
Representative Fabrega
Representative Williams

The House on 4/20/81, authorized the Speaker to appoint a Conference Committee to confer on House Amendments to Senate Bill No. 77.

The Speaker appointed the following members:

Representative Nordtvedt, Chairman
Representative Fabrega
Representative Williams

The House on 4/20/81, authorized the Speaker to appoint a Free Conference Committee to confer on House Amendments to Senate Joint Resolution No. 21.

The Speaker appointed the following members:

Representative Marks, Chairman
Representative Spilker
Representative Kanduch

The House on 4/20/81, failed to concur in Senate Amendments to House Bill No. 709, and the Speaker was authorized to appoint a Free Conference Committee, and the House respectfully requests the Senate to appoint a like committee to confer on Senate Amendments to House Bill No. 709.

The Speaker appointed the following members:

Representative Donaldson, Chairman
Representative Hurwitz
Representative Neuman

The House on 4/20/81, authorized the Speaker to appoint a new Free Conference Committee to confer on House Amendments to Senate Bill No. 286.

The Speaker appointed the following members:

Representative Seifert, Chairman
Representative Curtiss
Representative Keedy

The following Senate Bills were on 4/20/81, concurred in and returned to the Senate:

Senate Bill No. 199, introduced by Etchart (75-21)

Senate Bill No. 361, introduced by Lee (67-25)

The House on 4/21/81, concurred in the Governor's Amendments to House Bill Nos. 179, 367, and 389, on Third Reading, and the amendments with the following bills were transmitted to the Senate for concurrence:

Governor's Amendments to House Bill No. 179, introduced by Donaldson

Governor's Amendments to House Bill No. 367, introduced by Dussault

Governor's Amendments to House Bill No. 389, introduced by M. Hart

MOTIONS

Senator Smith moved that the Joint Rules of the Forty-seventh Legislative Session be temporarily suspended in order to permit receipt from the House of Senate Bill No. 485. Motion carried by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Smith, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg.
Total 47

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: Severson, Stephens, Mr. President.
Total 3

Senator Smith moved, duly carried, that the President be authorized to appoint a new Free Conference Committee on Senate Amendments to House Bill No. 709.

The President appointed the following committee:

Senator Kolstad, Chairman
Senator Lee
Senator Thomas

Senator Smith moved, duly carried, that the Conference Committee appointed to confer on Senate Amendments to House Bill No. 775 be dissolved, and that the President be authorized to appoint a new Conference Committee.

The President appointed the following committee:

Senator Goodover, Chairman
Senator Severson
Senator Healy

Senator Towe moved that House Bill No. 640 be taken from the Committee on Taxation and placed on Second Reading this day. Motion carried by the following vote:

Ayes: Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Eck, Graham, Haffey, Hager, Halligan, Healy, Jacobson, Kolstad, Lee, Manning, Mazurek, Norman, Regan, Ryan, Severson, Smith, Stimatz, Thomas, Towe, Van Valkenburg.
Total 26

Noes: Aklestad, Crippen, Dover, Elliott, Etchart, Galt, Goodover, Hafferman, Hammond, Hazelbaker, Himsl, Johnson, Keating, Manley, McCallum, Nelson, Ochsner, O'Hara, Olson, Story, Tveit.
Total 21

Excused: None.
Total 0

Absent or not voting: Anderson, Stephens, Mr. President.

Total 3

Senator Van Valkenburg moved, duly carried, that the Free Conference Committee on House Amendments to Senate Bill No. 286 be dissolved.

Senator Anderson moved, duly carried, that the Conference Committee on Senate Amendments to House Bill No. 213 be dissolved.

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Thomas in the Chair.

Senate resumed. President Pro Tempore Kolstad in the Chair.

Mr. President Pro Tempore: We, your Committee of the Whole, having had under consideration business on Second Reading, recommend as follows:

That House Bill No. 261 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Dover, Eck, Elliott, Etchart, Galt, Goodover, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Manning, Mazurek, McCallum, Norman, Ochsner, O'Hara, Severson, Smith, Stimatz, Story, Thomas, Towe, Van Valkenburg, Mr. President.
Total 39

Noes: Conover, Crippen, Manley, Olson, Regan, Ryan, Tveit.
Total 7

Excused: None.
Total 0

Absent or not voting: Graham, Lee, Nelson, Stephens.
Total 4

That House Bill No. 478 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Eck, Etchart, Galt, Goodover, Hafferman, Haffey, Halligan, Healy, Himsl, Jacobson, Kolstad, Manley, Manning, Mazurek, Norman, O'Hara, Olson, Stimatz, Story, Thomas, Towe, Van Valkenburg.
Total 30

Noes: Crippen, Elliott, Graham, Hager, Hammond, Keating, McCallum, Ochsner, Severson, Smith.
Total 10

Excused: None.
Total 0

Absent or not voting: Dover, Hazelbaker, Johnson, Lee, Nelson, Regan, Ryan, Stephens, Tveit, Mr. President.
Total 10

That House Bill No. 603 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan,

Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

That House Bill No. 841 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: Elliott.
Total 1

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Senator Thomas relinquished the Chair.

Senator Haffey assumed the Chair.

That House Bill No. 847 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 47

Noes: Elliott, Manley, Regan.
Total 3

Excused: None.
Total 0

Absent or not voting: None.
Total 0

That House Bill No. 871, without objection, be moved to the bottom of the board.

That House Bill No. 872 be amended as follows:

That the following amendments of the Senate Standing Committee on Finance and Claims, dated April 20, 1981, be stricken:

1. Page 1, line 19.
Following: "speaker"
Insert: "and minority leader"

2. Page 1, line 21.
Following: line 20
Strike: "committee on committees"
Insert: "president and minority leader"

Amendments passed by the following vote:

Ayes: Aklestad, Anderson, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Hager, Hammond, Hazelbaker, Healy, Johnson, Keating, Kolstad, Manley, McCallum, Nelson, Ochsner, O'Hara, Olson, Ryan, Severson, Smith, Story, Tveit.
Total 32

Noes: Berg, Eck, Halligan, Himsl, Jacobson, Mazurek, Regan, Stimatz, Thomas, Towe, Van Valkenburg, Mr. President.
Total 12

Excused: None.
Total 0

Absent or not voting: Blaylock, Haffey, Lee, Manning, Norman, Stephens.
Total 6

That House Bill No. 872, as amended, be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

That the Governor's Amendments to Senate Bill No. 150 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

That the Governor's Amendments to Senate Bill No. 460 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

That the Governor's Amendments to House Bill No. 445 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

That the Free Conference Committee Report on House Bill No. 692, without objection, be moved to the bottom of the board.

That the Free Conference Committee Report on House Bill No. 692 be adopted by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.

Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

That House Bill No. 640 pass consideration. Motion carried by the following vote:

Ayes: Aklestad, Anderson, Crippen, Dover, Elliott, Etchart, Galt, Goodover, Hammond, Hazelbaker, Himsl, Johnson, Keating, Manley, McCallum, Nelson, Ochsner, O'Hara, Olson, Severson, Smith, Stephens, Story, Tveit.
Total 24

Noes: Berg, Blaylock, Boylan, B. Brown, S. Brown, Eck, Graham, Hafferman, Haffey, Halligan, Healy, Jacobson, Kolstad, Lee, Manning, Mazurek, Norman, Regan, Ryan, Stimatz, Thomas, Towe, Van Valkenburg.
Total 23

Excused: None.
Total 0

Absent or not voting: Conover, Hager, Mr. President.
Total 3

That House Bill No. 871 be amended. Motion failed by the following vote:

Ayes: Aklestad, Boylan, Dover, Elliott, Goodover, Hafferman, Hammond, Johnson, Keating, Lee, Manley, McCallum, Nelson, Ochsner, O'Hara, Severson, Smith, Tveit, Mr. President.
Total 19

Noes: Berg, Blaylock, B. Brown, S. Brown, Conover, Crippen, Eck, Etchart, Graham, Haffey, Hager, Halligan, Hazelbaker, Healy, Himsl, Jacobson, Kolstad, Mazurek, Olson, Regan, Ryan, Stephens, Stimatz, Thomas, Towe, Van Valkenburg.
Total 26

Excused: None.
Total 0

Absent or not voting: Anderson, Galt, Manning, Norman, Story.
Total 5

That House Bill No. 871 be amended as follows:

1. Page 3, line 15.
Following: "(16)"
Strike: "Western States Regional Theater"
Insert: "Renovation of Custer County Art Center"

Amendment passed by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.

Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

That House Bill No. 871 be amended as follows:

STATEMENT OF INTENT: House Bill No. 871

A Statement of Intent is required for this bill because it delegates rulemaking authority to the Montana Historical Society and the Department of Fish, Wildlife, and Parks. This bill appropriates earmarked funds for the acquisition of state parks and for grants for cultural and aesthetic projects.

Because of the uncertainty of the amount of available funds and the frequency of collections, it is the Legislature's intent that the Historical Society and Department of Fish, Wildlife, and Parks adopt rules to equitably distribute these funds for park acquisition and cultural projects. These rules may provide for adjustments of grants if less revenue is received than is appropriated in this act.

Amendment passed by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

That House Bill No. 871, as amended, be concurred in by the following vote:

Ayes: Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Eck, Etchart, Goodover, Hafferman, Haffey, Hager, Halligan, Hazelbaker, Healy, Himsl, Jacobson, Kolstad, Manning, Mazurek, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg.
Total 35

Noes: Aklestad, Dover, Elliott, Hammond, Johnson, Keating, Lee, Manley, McCallum, Nelson, Smith, Mr. President.
Total 12

Excused: None.
Total 0

Absent or not voting: Galt, Graham, Norman.
Total 3

That the Committee rise and report. (Haffey, Chairman)

Upon motion of Senator Haffey, duly carried, the foregoing Report of the Committee of the Whole was adopted.

At the request of the President Pro Tempore, and without objection, the Senate reverted to Order of Business No. 6.

MOTIONS

Senator Stephens moved that the Joint Rules of the Forty-seventh Legislative Session be temporarily suspended in order to place House Bill Nos. 261, 603, 841, 847, 871, and 872; Governor's Amendments to Senate Bill Nos. 150 and 460; and Governor's Amendments to House Bill No. 445 on Third Reading this day. Motion carried by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manning, Mazurek, McCallum, Nelson, Ochsner, O'Hara, Olson, Regan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Mr. President.
Total 46

Noes: Manley.
Total 1

Excused: None.
Total 0

Absent or not voting: Norman, Ryan, Van Valkenburg.
Total 3

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

House Bill No. 261 was concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manning, Mazurek, McCallum, Ochsner, O'Hara, Olson, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 44

Noes: Conover, Manley, Nelson, Regan, Ryan.
Total 5

Excused: None.
Total 0

Absent or not voting: Norman.
Total 1

House Bill No. 603 was concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl,

Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: Norman.
Total 1

House Bill No. 841 was concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Dover, Eck, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manning, Mazurek, McCallum, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 43

Noes: Crippen, Elliott, Hammond, Manley, Nelson.
Total 5

Excused: None.
Total 0

Absent or not voting: Norman, Stephens.
Total 2

House Bill No. 847 was concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manning, Mazurek, McCallum, Nelson, Ochsner, O'Hara, Olson, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 46

Noes: Elliott, Manley, Regan.
Total 3

Excused: None.
Total 0

Absent or not voting: Norman.
Total 1

House Bill No. 871 was concurred in by the following vote:

Ayes: Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Eck, Etchart, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hazelbaker, Healy, Himsl, Jacobson, Kolstad, Manning, Mazurek, Nelson, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg.
Total 37

Noes: Aklestad, Dover, Elliott, Galt, Hammond, Johnson, Keating, Lee, Manley, McCallum, Smith, Mr. President.

Total 12

Excused: None.
Total 0

Absent or not voting: Norman.
Total 1

House Bill No. 872 was concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Dover, Eck, Elliott, Etchart, Galt, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Van Valkenburg, Mr. President.
Total 45

Noes: Crippen, Goodover, Kolstad, Ochsner, Tveit.
Total 5

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Governor's Amendments to Senate Bill No. 150 were concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: Manley.
Total 1

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Governor's Amendments to Senate Bill No. 460 were concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: Manley.
Total 1

Excused: None.

Total 0

Absent or not voting: None.
Total 0

Governor's Amendments to House Bill No. 445 were concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: Manley.
Total 1

Excused: None.
Total 0

Absent or not voting: None.
Total 0

The Free Conference Committee Report to House Bill No. 692 was adopted by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: Manley, O'Hara.
Total 2

At the request of the President Pro Tempore, and without objection, the Senate reverted to Order of Business No. 3.

REPORTS OF SELECT COMMITTEES

CONFERENCE COMMITTEE
ON SENATE AMENDMENTS TO HOUSE BILL NO. 212
Report No. 1, April 20, 1981

MR. PRESIDENT AND SPEAKER OF THE HOUSE:

We, your Conference Committee on House Bill No. 212, met April 14, 1981, and considered:

Senate Committee of the Whole Amendments to the third reading copy, dated March 28, 1981, and recommend as follows:

That the House accede to Senate Committee of the Whole Amendment Nos. 2, 3, 4, 5, and 8;

That the Senate recede from Senate Committee of the Whole Amendment Nos. 1, 6, and 7;

That the reference copy of House Bill No. 212 read as specified in the CLERICAL INSTRUCTIONS;

And, that the Conference Committee Report to House Bill No. 212 be adopted.

CLERICAL INSTRUCTIONS:

1. Title, line 8.
Following: "~~DISCHARGE,~~"
Insert: ", PROHIBITING WAIVER OF A HEARING TO DETERMINE RELEASE OR DISCHARGE,"

2. Page 3, lines 7, 8, and 9.
Following: "~~waived~~"
Strike: ", UNLESS WAIVED,"
Following: "~~days~~"
Strike: "1 YEAR"
Insert: "180 days"
Following: "confinement"
Strike: "AND YEARLY THEREAFTER"

3. Page 3, lines 11 through 13.
Following: "~~district.~~"
Insert: "The hearing shall be conducted by the court which ordered the commitment unless that court transfers jurisdiction to the third judicial district."

FOR THE SENATE:

Senator B. Brown, Chairman
Senator Olson
Senator Van Valkenburg

FOR THE HOUSE:

Representative Hannah, Chairman
Representative Keedy
Representative Thoft

Report adopted.

FREE CONFERENCE COMMITTEE
ON HOUSE BILL NO. 500
Report No. 1, April 13, 1981

MR. PRESIDENT AND SPEAKER OF THE HOUSE:

We, your Free Conference Committee on House Bill No. 500, met April 13 - 17, 1981 and April 20, 1981, and recommend as follows:

That the reference copy of House Bill No. 500 read as specified in the CLERICAL INSTRUCTIONS;

And, that the Free Conference Committee Report to House Bill No. 500 be adopted.

CLERICAL INSTRUCTIONS:

1. Page 2.
Following: line 22
Insert: "(2) A budget amendment may be approved to spend money in the earmarked revenue fund only if the approving authority certifies that an emergency justifies the expenditure."

Page 3, line 2.
Following: "~~(3)~~"

Strike: "(2)"
Insert: "(3)"

2. Page 4, line 24.
Following: "CONGRESS"
Insert: "after April 1, 1981"

3. Page 8, line 1.
Strike: "1,879,829"
Insert: "1,899,829"

Page 8, line 7.
Strike: "331,710"
Insert: "341,710"

4. Page 8, line 16.
Strike: "1,024,592 1,015,135"
Insert: "990,113 980,656"

5. Page 9, line 11.
Strike: "3,035,275 227,543 3,233,482 349,762"
Insert: "3,000,796 227,543 3,199,003 349,762"

6. Page 10, line 2.
Strike: "83,248 89,568"
Insert: "59,378 65,698"

7. Page 10.
Following: line 14
Insert: "12. Contingency - Vacancy Savings 1,600,000"

8. Page 10, line 16.
Strike: "2,074,534 150,000 2,029,373 100,000"
Insert: "3,650,664 150,000 2,005,503 100,000"

9. Page 10.
Following: line 21
Insert: "Item 12, a biennial appropriation, is solely for instructional faculty salaries in the six college and university units and for contract faculty in the bureau of mines, agriculture experiment station, forestry experiment station and cooperative extension service and shall only be expended if vacancy savings are not realized. As a further condition precedent to the expenditure of this item 12 appropriation any of the said agencies requesting any portion of said appropriation shall submit a verified request therefore which request shall be verified by the president of the requesting agency and supported by evidence itemized and detailed establishing, to the satisfaction of the Governor that the requesting agency is entitled to a portion of said funds. The request and supporting documentation must be submitted by April 1, of each fiscal year and shall be subject to the conditions herein set forth. The Governor shall respond with his decision by May 1 of each fiscal year.

The above agencies shall, by July 1 of each fiscal year, submit for the current unrestricted subfund a detailed list of all FTE, staff positions, each individual salary and total budgeted benefits. The list shall equal total compensation at 100 percent excluding critical area faculty salary adjustment funds appropriated in this act for personal services. This total compensation figure may not from any individual agency be 3.6 percent greater than the operating budget for personal services for such agency. The list shall have at least these sections. Section 1 shall detail the positions which are eligible

for the contingency vacancy savings appropriation. Any salary increases granted after this list is submitted will not be reimbursed from the vacancy savings fund. Section 2 shall detail all other staff. Section 3 shall detail by position the allocation of the critical area faculty salary adjustment funds.

In the event any such request is submitted and the Governor shall find that the requesting agency has satisfied all the requirement and conditions herein set forth, the Governor may issue his approval for expenditure of the said contingency - vacancy funds.

If the Governor should determine, in his discretion, that any requesting agency has not satisfied the conditions of item 12 relating to a request for a portion of this appropriation, he may deny such request and such denial shall be final and conclusive."

10. Page 12, line 25.
Strike: "7,939,873 8,286,861 7,504,634 8,465,477"
Insert: "7,813,601 8,194,811 7,420,336 8,373,427"

11. Page 14, line 1.
Strike: "46,000"
Insert: "41,000"

12. Page 14.
Following: line 1
Insert:

"12. a. SB 466	-0-	3,750	-0-	-0
b. HB 364	5,000	-0-	5,000	-0
c. HB 389	-0-	5,000	-0-	5,000"

13. Page 14, line 5.
Strike: "8,755,482 8,314,074 8,316,644 8,470,477"
Insert: "8,634,210 8,230,774 8,237,346 8,383,427"

14. Page 15.
Following: line 7
Insert: "Amounts in item 12 are contingent upon passage of the noted bills."

15. Page 17, line 22.
Strike: "FOR ALL OPERATIONAL SYSTEMS"

Page 17, line 23.
Strike: "ties directly to the 1985 biennium budget request"
Insert: "is detailed by year, project phase and fund"

16. Page 19, line 18.
Strike: "12,340,311 12,490,050"
Insert: "12,380,311 12,500,050"

Page 19.
Following: line 25
Insert: "5. SB 50 40,000 -0- 10,000 -0-"

Page 20, line 2.
Strike: "12,579,529 12,764,153"
Insert: "12,619,529 12,774,153"

Page 21.
Following: line 19
Insert: "Item 5 is contingent upon passage of SB 50."

17. Page 21, line 23.
Strike: "4,258,015 14,147,280 4,289,068 14,384,282"
Insert: "4,231,557 14,120,573 4,260,356 14,354,970"

18. Page 22, line 15.
Strike: "500,000 500,000"
Insert: "375,000 375,000"

19. Page 22.
Strike: lines 16 and 17 in their entirety

Page 22, line 18.
Strike: "11."
Insert: "10."

Page 22, line 21.
Strike: "12."
Insert: "11."

20. Page 22.
Following: line 23
Insert: "12. General Services - Additional Buildings
-0- 200,845 -0- 205,500"

21. Page 22.
Following: line 23
Insert: "13. Rent - Transferred Divisions
26,458 26,707 28,712 29,312"

22. Page 23, line 1.
Strike: "5,084,515 5,053,068"
Insert: "4,959,515 4,928,068"

23. Page 23, line 2.
Strike: "19,338,142 19,346,972"
Insert: "19,508,954 19,524,029"

24. Page 24, line 25.
Strike: "ITEM 9 PROVIDES FOR EMERGENCY FUNDING OF THE DISTRICT"

Page 25, line 1.
Strike: "COURTS, AS DEFINED IN HB 300"

Page 24.
Following: line 24
Insert: "Item 9 provides for emergency funding of the district courts in those instances when a court incurs extraordinary expenses due to an extended criminal case or state government-related suits in Lewis and Clark county. These funds shall not be used for usual court operations or additional social service programs.

Emergency funds to Lewis and Clark county for state government-related suits will not exceed ten percent above the revenue collected through the six-mill levy."

25. Page 25.
Following: line 5
Insert: "Item no. 10 is contingent upon passage of HB 372.

Item no. 11 is contingent upon passage of HB 674.

Item no. 12 is contingent upon the purchase of additional buildings, as referred to in HB 666, and the assumption of related

maintenance duties by the department. The amount of funds spent shall be prorated, based on the remaining portion of the fiscal year."

26. Page 25.
Following: line 5
Insert: "Item 13 contains the spending authority necessary to fund the lease agreement and other related costs for those divisions located in the building at 1424 Ninth Avenue. When this building is purchased by the state and maintenance responsibilities are assumed, all of the remaining funds in item 13, except for the pro-rated remaining portion of the annual charge of $3.02 per square foot in fiscal 1982 and $3.09 per square foot in fiscal 1983 that the department of administration shall charge for rent and repair expenses, shall revert."

27. Page 25.
Following: line 5
Insert: "The accountant added in item 11 is for this biennium only."

28. Page 26, line 2.
Strike: "38,755,374 38,974,095"
Insert: "40,110,753 38,721,448"

Page 26, line 3.
Strike: "237,424,001 242,898,886"
Insert: "237,511,513 242,988,893"

29. Page 26.
Following: line 14
Insert: "3. Subdivisions Bureau -0- 79,856 -0- 79,856"

Page 26, line 16.
Strike: "17,342,157 18,094,644"
Insert: "17,422,013 18,174,500"

Page 26.
Following: line 16
Insert: "In item 3, $39,928 each year is contingent upon legislative approval of the governor's amendment to HB 179."

30. Page 27, line 13.
Strike: "15,331,458"
Insert: "15,435,596"

31. Page 27, line 15.
Strike: "806,399 768,886"
Insert: "906,149 861,886"

32. Page 27, line 16.
Strike: "4,953,432"
Insert: "5,369,986"

33. Page 27, line 20.
Strike: "1,616,834 1,606,734 22,055,080"
Insert: "1,716,584 1,699,734 22,575,772"

34. Page 28.
Following: line 20
Insert: "7. HB 258
53,865 100,035 53,865 100,035"

Page 28, line 22.
Strike: "24,512,691 25,379,598"

Insert: "24,612,726 25,479,633"

Page 28, line 23.
Strike: "82,289,835 31,813,553"
Insert: "82,343,700 31,867,418"

35. Page 30.
Following: line 8
Insert: "The department shall monitor and assess the activities of the area agencies on aging for implementation of the department-approved area plans for aging services and shall report to the legislative finance committee, no later than sixty (60) days prior to the beginning of the 48th legislative session, the extent to which the area agencies have complied with the area plans and the extent to which the area agencies have cooperated with the local government funding sources."

36. Page 32.
Following: line 5
Insert: "The funding of item 7 is contingent upon passage and approval of HB 258."

37. Page 32.
Following: line 5
Insert: "The day-care rate per day for homes is not to exceed $6.00 in fiscal 1982 and $6.50 in fiscal 1983. The rate per day is not to exceed $7.00 in fiscal 1982 and $7.50 in fiscal 1983 for day-care centers."

38. Page 32, line 13.
Strike: "87,013,588 63,329,748 36,545,291 65,529,322"
Insert: "87,167,203 63,509,639 36,692,156 66,229,905"

39. Page 35, line 4.
Strike: "237,906 253,460"
Insert: "254,775 269,329"

40. Page 35, line 18.
Strike: "20,346 21,787"
Insert: "21,979 23,420"

41. Page 35, line 21.
Strike: "12,415 13,090"
Insert: "13,220 13,895"

42. Page 35, line 24.
Strike: "95,640 99,626"
Insert: "97,550 101,536"

43. Page 36, line 2.
Strike: "29,863 31,916"
Insert: "31,231 33,284"

44. Page 36, line 8.
Strike: "5,138 5,424"
Insert: "5,238 5,524"

45. Page 36, line 14.
Strike: "3,724 4,036"
Insert: "5,321 5,633"

46. Page 36, line 17.
Strike: "68,830 72,701"

Insert: "72,367 77,488"

47. Page 36, line 20.
Strike: "12,236 13,125"
Insert: "13,886 14,975"

48. Page 36, line 23.
Strike: "136,889 141,562"
Insert: "141,249 145,922"

49. Page 37, line 10.
Strike: "80,753 84,239"
Insert: "83,173 86,659"

50. Page 37, line 13.
Strike: "62,040 63,976"
Insert: "62,565 64,501"

51. Page 37, line 25.
Strike: "18,367 19,537"
Insert: "18,667 19,837"

52. Page 38, line 3.
Strike: "18,258 19,306"
Insert: "18,333 19,381"

53. Page 38, line 6.
Strike: "9,873 11,249"
Insert: "11,301 12,677"

54. Page 38, line 15.
Strike: "6,291 6,804"
Insert: "6,791 7,304"

55. Page 38, line 18.
Strike: "7,092 7,631"
Insert: "7,342 7,881"

56. Page 38, line 21.
Strike: "8,151 8,635"
Insert: "8,901 9,385"

57. Page 39, line 2.
Strike: "4,673 4,978"
Insert: "4,973 5,278"

58. Page 39, line 5.
Strike: "23,135,839 23,097,016"
Insert: "23,176,216 23,137,843"

59. Page 40, lines 6 through 9.
Strike: lines 6 through 9 in their entirety

60. Page 40.
Following: line 9
Insert: "Those divisions and bureaus of the department of commerce that are moved from private to state owned office space shall revert the resulting savings in rent, utilities, taxes and other expenses."

61. Page 43, line 6.
Strike: line 6 in its entirety
Insert: "176,000 60,259 175,000 47,991"

62. Page 43, lines 11 and 12.

Strike: lines 11 and 12 in their entirety
Insert: "913,169 8,254,396 892,917 8,657,192"

63. Page 44, line 24.
Strike: "201,353 202,377"
Insert: "441,953 477,377"

64. Page 45, line 8.
Strike: "425,945 430,225"
Insert: "329,795 350,105"

65. Page 45, lines 13 and 14.
Strike: lines 13 and 14 in their entirety
Insert: "6,398,331 12,188,756 6,340,248 12,133,308"

66. Page 46, line 25.
Strike: line 25 in its entirety

67. Page 47, line 1.
Strike: line 1 in its entirety

68. Page 47, line 4.
Strike: "55,505 47,510"
Insert: "19,310 19,310"

69. Page 47, lines 10 and 11.
Strike: lines 10 and 11 in their entirety

70. Page 47, line 15.
Strike: line 15 in its entirety
Insert: "12,922,392 65,345,376 12,835,003 65,941,548"

71. Page 47, line 24.
Strike: "248,157 246,713"
Insert: "237,041 235,510"

Page 47, line 26.
Strike: "194,600 1,364,785 204,235 1,310,907"
Insert: "194,239 1,348,521 203,871 1,294,514"

Page 48, line 3.
Strike: "3,608,423 3,722,557"
Insert: "3,583,762 3,697,702"

Page 48, line 6.
Strike: "831,726 835,090"
Insert: "797,596 800,690"

Page 48, line 8.
Strike: "541,026 546,162"
Insert: "535,536 540,629"

Page 48, line 10.
Strike: "3,963,494 4,358,850"
Insert: "3,957,049 4,352,354"

Page 48.
Following: line 12
Insert: "7. Building Space
76,713 21,754 77,318 21,926"

Page 49.
Following: line 5

Insert: "Item 7 contains spending authority necessary to fund the lease agreement and other related costs for the central offices of the department of institutions. When this building is purchased by the state, all appropriated funds in item 7 except $3.02 per square foot in fiscal 1982 and $3.09 per square foot in fiscal 1983 in proportion to the time period remaining each fiscal year shall revert."

72. Page 53, line 9.
Strike: "105,242 107,106"
Insert: "100,242 102,106"

Page 53, line 13.
Strike: "107,242 107,106"
Insert: "102,242 102,106"

73. Page 53, line 15.
Following: "appropriations"
Insert: "or budget amendments from unanticipated funds"

74. Page 55.
Following: line 5
Insert: "Corrections Division 26,944 30,179"

75. Page 55, line 9.
Strike: "48,769,024 49,673,053"
Insert: "48,764,024 49,668,053"

76. Page 60, line 4.
Strike: "1,683,647 3,220,444 1,708,467 3,293,951"
Insert: "1,566,750 3,209,704 1,577,805 3,286,040"

Page 60.
Following: line 15
Insert: "7. Building Space
116,897 10,740 130,662 7,911"

Page 60.
Following: line 24
Insert: "Item 7 contains the spending authority necessary to fund the lease agreement and other related costs of the office of public instruction building at 1300 eleventh avenue. When this building is purchased by the state all appropriated funds in item 7 except $3.02 per square foot in fiscal 1982 and $3.09 per square foot in fiscal 1983 in proportion to the time period remaining each fiscal year shall revert."

77. Page 67, line 3.
Strike: "1,714,510 1,561,193 1,677,118 1,685,545"
Insert: "1,644,433 1,631,270 1,607,040 1,755,623"

78. Page 67, line 9.
Strike: "10,968,095 10,792,293"
Insert: "10,754,709 10,587,516"

Page 67, line 25.
Strike: "19,738,089 20,142,209"
Insert: "19,524,703 19,937,432"

Page 68, line 7.
Strike: "8,977,386 8,934,188"
Insert: "8,773,903 8,732,602"

Page 68, line 23.

Strike: "17,134,569 17,533,654"
Insert: "16,931,086 17,332,068"

Page 69, line 7.
Strike: "2,995,440 2,868,499"
Insert: "2,876,473 2,754,541"

Page 69, line 21.
Strike: "6,440,142 6,109,874"
Insert: "6,321,175 5,995,916"

Page 70, line 4.
Strike: "1,853,487 1,833,423"
Insert: "1,784,498 1,767,099"

Page 70, line 18.
Strike: "3,288,962 3,333,609"
Insert: "3,219,973 3,267,285"

Page 71, line 2.
Strike: "773,383 761,322"
Insert: "730,977 720,410"

Page 71, line 14.
Strike: "1,803,624 1,843,735"
Insert: "1,761,218 1,802,823"

Page 71, line 21.
Strike: "1,661,769 1,709,818"
Insert: "1,648,006 1,695,835"

Page 72, line 12.
Strike: "3,439,258 3,794,018"
Insert: "3,425,495 3,780,035"

79. Page 72, line 22.
Strike: "65,460,325 37,989,118 66,749,201 40,832,237"
Insert: "64,729,254 38,059,195 66,037,583 40,902,315"

80. Page 73, line 3.
Strike: "293,384,342 419,693,573 247,055,104 431,425,325"
Insert: "294,237,295 420,099,835 246,327,584 432,398,620"

EXPLANATION OF CONFERENCE COMMITTEE REPORT ON HOUSE BILL NO. 500

Boiler Plate

1. Language which allowed earmarked revenue funds to be budget amended was reinstated. There must be an emergency to have an earmarked revenue fund budget amendment.

2. Language was added to clarify that only newly defined block grants received by Montana would require a special session.

Legislative Council

3. The committee added $10,000 of general fund in 1982 for an Indian jurisdiction study. Language was also adjusted in order to make this a biennial appropriation. The committee also added $10,000 of general fund in 1982 for dues to the western conference of the council of state governments so that the state may participate in a proposed land study.

Judiciary

4. Two law clerks were deleted for a savings in general fund of $34,479 per year.

5. Amend totals.

Governor's Office

6. A grade 17 attorney, added in the legal jurisdiction program, was deleted for a general fund savings of $23,870 per year.

7. A general fund biennial appropriation of $1.6 million is added as a contingency for vacancy savings for university faculty.

8. Amend totals.

9. See number 7.

Justice

10. Five highway patrolmen and related support costs were deleted. This action results in a general fund savings of $84,694 in 1982 and $39,172 in 1983 and a highway earmarked savings of $92,050 per year. The appropriation for the antitrust bureau was reduced to $100,000 per year. A general fund savings of $41,578 in 1982 and $45,126 in 1983. One secretary position was deleted.

11. The equipment line item was reduced to reflect reduction in highway patrol equipment.

12. Funds were added to cover the fiscal impact of specific bills. These amounts of $5,000 per year in general fund and $13,750 in other funds are contingent upon passage of the related bills.

13. Amend totals.

14. See number 12.

Highways

15. Language was altered to clarify expectations of the department's budget justification for the coming legislature.

Revenue

16. General fund of $40,000 and $10,000 was added to help fund salary increases of assessors and chief deputies as established by SB 50.

Department of Administration

17. Rent adjustment - Office space rent and related expenses of those divisions transferred from the department of community affairs (DCA) are line-itemed. Language is included to insure that any savings incurred at such a time when the state purchases the DCA building and consequently assumes maintenance responsibilities, will be reverted.

18. Emergency district court funding was reduced to $375,000 per year for a savings in general fund of $250,000 for the biennium. Language was included to insure that such funds are expended only as specified by the legislature.

19. Earmarked funding was reduced by $30,033 in 1982 and $28,443 in 1983. The line-item, which was added as a result of HB 330 that authorizes the securities lending program, provided an additional two accounting technicians.

20. General services - Additional revolving fund spending authority of $200,845 in 1982 and $205,500 in 1983 is added so that the division may

pay utilities and provide maintenance and repair services for those additional buildings that will be purchased under HB 666. Since a date for the purchase is unknown, language is included to clarify legislative intent that these funds may be used only when the purchase is finalized.

21. See number 17.

22. Amend totals.

23. Amend totals.

24. See number 18.

25. Contingency language is included to insure that designated funds are expended only if the respective bills are passed and signed into law. Also see number 20.

26. See number 17.

27. Language is included to insure that the accountant added for the public employees' retirement system is for this biennium only.

28. Amend Section A totals.

Health Department

29. Spending authority totalling $159,712 for the biennium was included for the subdivision bureau due to the passage of HB 179. Language was included to limit the spending authority to $79,856 over the biennium if the governor's amendments are not accepted by the legislature.

Labor and Industry

30. Spending authority totalling $104,138 in fiscal 1983 was included for bond payments for two job service offices of the employment security division.

31. General fund totalling $99,750 in fiscal 1982 and $93,000 in fiscal 1983 is added to fund increased payments to silicotic victims and spouses as established in HB 290.

32. Spending authority totalling $416,554 in fiscal 1983 was included for bond payments of the new workers' compensation building.

33. Amend totals.

Department of Social and Rehabilitation Services

34. The conference committee added $53,865 general fund per year and $100,035 federal funds per year to fund HB 258, a pilot work program for AFDC recipients (aid to families with dependent children).

35. Language was included to have SRS monitor and assess area agencies on aging and report the findings to the legislative finance committee.

36. See write up for number 6.

37. Language was inserted to identify day-care reimbursement rates for day-care homes and centers.

38. Amend totals.

Department of Commerce

39. through 57. Adjusts various professional licensing board appropriations in consideration of various bills that have passed adding members, changing board compensation, changing inspection and training responsibilities and publishing biennial activity reports.

58. Amend totals.

59. Eliminates language requiring the rail planning unit to contract with the public service commission for rail inspection services.

60. Requires the department of commerce to revert any money saved in rent, utilities and building maintenance expense categories because of moving from privately owned to publicly owned buildings.

Department of State Lands

61. Replaces $351,000 of resource indemnity trust fund interest with general fund. Prior to this change the trust fund was over appropriated by $350,876.

62. Amend totals.

Department of Natural Resources

63. Passage of HB 223 earmarks one tenth of the coal severance tax previously designated for alternatives energy development grants for distribution to conservation districts. The amendment adds redesignated funds of $240,600 in fiscal 1982 and $275,000 in fiscal 1983 to the conservation district supervision appropriation.

64. Federal funds for institutional building energy retrofit grants are being reduced. The state general fund match for program administration can also be reduced accordingly. The amendment reduces general fund appropriations by $96,150 and $80,150 in fiscal 1982 and 1983 respectively.

65. Amend totals.

Public Service Commission

66. through 69. Eliminates rail inspection position added to provide staff for an intended contract with the rail planning unit of the department of commerce.

70. Amend Section totals.

Institutions

71. Rent was line-itemed in anticipation of the department of institutions building being purchased by the state.

72. Removed $5,000 per year of out-of-state travel from board of pardons. Out-of-state parole hearings will be conducted by state of incarceration.

73. Language was added to allow personal services boiler plating to be increased by budget amendments from unanticipated funds.

74. Utilities for the corrections division are included in the boiler plate language.

75. Amend totals.

Office of Public Instruction

76. The state is going to purchase the building currently being used by the office of public instruction at 1300 11th Avenue. A line-item was added to identify the rent budgeted for the office of public instruction so rent funds would revert after the building is purchased.

Higher Education

77. This amendment reduces state funding for AGNET by $140,155 and increases user funding by an equal amount.

78. These amendments allow for payment of college and university summer school faculty as .22 FTE which is current policy. HB 500 prior to this amendment counts summer school faculty as .33 FTE.

79. Amend totals.

80. Amend totals.

FOR THE SENATE:

Senator E. Smith, Chairman
Senator Regan
Senator Aklestad

FOR THE HOUSE:

Representative Moore, Chairman
Representative Conroy
Representative Cozzens

Report adopted.

FREE CONFERENCE COMMITTEE
ON HOUSE BILL NO. 558
Report No. 1, April 21, 1981

MR. PRESIDENT AND SPEAKER OF THE HOUSE:

We, your Free Conference Committee on House Bill No. 558, met April 21, 1981, and considered:

Senate Local Government Committee Amendments to the third reading copy, dated March 26, 1981, and recommend as follows:

That the Senate accede to Committee Amendment No. 1;

That the House recede from Committee Amendment No. 2;

That House Bill No. 558 be further amended as specified in the CLERICAL INSTRUCTIONS NOS. 2 through 5;

That the reference copy of House Bill No. 558 read as specified in the CLERICAL INSTRUCTIONS;

And, that the Conference Committee Report to House Bill No. 558 be adopted.

CLERICAL INSTRUCTIONS:

1. Page 9, line 3.
Following: "~~5~~"
Strike: "4"
Insert: "5"
Following: "~~5~~"
Strike: "4"
Insert: "5"

2. Page 3.
Following: line 20
Insert: "NEW SECTION. Section 2. Compensation of undersheriff and deputy sheriff. (1) The sheriff shall fix the compensation of the undersheriff at 95% of the salary of that sheriff.

(2) (a) The sheriff shall fix the compensation of the deputy sheriff based upon a percentage of the salary of that sheriff according to the following schedule:

In counties with population of:
Below 15,000 ..... 85% to 90%
15,000 to 29,999 ..... 76% to 90%
30,000 to 74,999 ..... 74% to 90%

75,000 and over .....72% to 90%

(b) The sheriff shall adjust the compensation of the deputy sheriff within the range prescribed in subsection (a) according to a rank structure in the department.

(3) For purposes of this section, the term "compensation" means the base rate of pay and does not mean longevity payments or payments for hours worked overtime."

Renumber: subsequent sections

3. Page 3, line 24.
Following: "39-3-405"
Insert: "or 7-32-2111"
Following: "EMPLOYEE"
Strike: "MUST"
Insert: "may"

4. Page 4, lines 4 through 8.
Following: "OVERTIME."
Strike: the remainder of section 3 in its entirety
Insert: "The board of county commissioners may by resolution establish that any undersheriff or deputy sheriff who works in excess of his regularly scheduled work period will be compensated for the hours worked in excess of the work period at a rate to be determined by that board of county commissioners."

5. Page 4, line 13.
Following: "1% OF"
Strike: "HIS"
Insert: "the minimum base"

FOR THE SENATE:

Senator McCallum, Chairman
Senator Hammond
Senator Van Valkenburg

FOR THE HOUSE:

Representative Sales, Chairman
Representative Vinger
Representative Dussault

Report adopted.

FREE CONFERENCE COMMITTEE
ON HOUSE BILL NO. 652
Report No. 2, April 21, 1981

MR. PRESIDENT AND SPEAKER OF THE HOUSE:

We, your Free Conference Committee on House Bill No. 652, met April 21, 1981, and considered:

Senate Committee on Natural Resources Amendments dated March 26, 1981;

Senate Committee on Natural Resources Amendments on the Statement of Intent, dated March 25, 1981;

Senate Committee of the Whole Amendments dated March 31, 1981, and recommend as follows:

Having had under consideration Senate Committee on Natural Resources Amendments dated March 26, 1981;

That the House accede to Amendment Nos. 1 through 6;

Having had under consideration Senate Committee on Natural Resources Amendments on the Statement of Intent dated March 25, 1981;

That the House accede to Amendment Nos. 1 through 4;

Having had under consideration Senate Committee of the Whole Amendments dated March 31, 1981;

That the House accede to Amendment Nos. 1 through 3;

And, that the Free Conference Committee Report on House Bill No. 652 be adopted.

And further, that House Bill No. 652, reference bill, be amended as follows:

CLERICAL INSTRUCTIONS:

1. Title, line 13.
Strike: "INSTEAD"
Following: "A"
Strike: "STATE"

2. Title, line 17.
Following: "AND"
Strike: "TO REVISE"
Insert: "REVISING"

3. Title, lines 18 and 19.
Following: "75-3-103"
Strike: "AS AMENDED BY INITIATIVE 84"

4. Title, lines 19 and 20.
Following: "75-3-202"
Strike: "AS AMENDED BY INITIATIVE 84"

5. Title, lines 20 and 21.
Following: "75-3-303"
Strike: "AS AMENDED BY INITIATIVE 84"

6. Title, line 21.
Following: "INITIATIVE 84;"
Strike: "AND"

7. Title, line 22.
Following: "AN"
Strike: "IMMEDIATE"
Following: "DATE"
Insert: ";"

8. Page 16, line 21 through line 8 on page 17.
Following: the first "material" on line 21
Strike: the remainder of line 21 through line 8 on page 17
Insert: ", a high-level radioactive material, byproduct material as defined in section 75-3-103(1)(a), or special nuclear material, within the state of Montana. Byproduct material (except large quantity radioactive material) possessed, used, and transported for educational purposes; scientific research and development; medical research, diagnosis, and treatment; geophysical surveying, and similar uses licensed by the United States nuclear regulatory commission or the department are exempt from this section.

(2) Notwithstanding subsection (1) of this section, the disposal in Montana of byproduct material, as defined in section 75-3-103(1)(b), produced in Montana, is authorized if done pursuant to a license issued by the United States or by the department.

(3) For purposes of subsection (1) of this section "radioactive material" means any material, or combination of materials, which spontaneously emits ionizing radiation and for which a specific license is required by the United States or by the department.

(4) For purposes of subsection (1) of this section, disposal of large quantity radioactive material means the disposal from a single shipment, container, or vehicle of a quantity of radioactive material that would exceed the limits specified in 49 C.F.R. 173.389.

(5) For purposes of subsection (1), "high-level radioactive material" means radioactive material consisting of spent nuclear fuel or the highly radioactive waste resulting from the reprocessing of spent nuclear fuel."

Renumber: subsequent subsections

9. Page 22, line 14.
Following: "SECTION"
Strike: "19"
Insert: "18"

10. Page 22, lines 15 and 16.
Following: "EFFECTIVE"
Strike: "OR SHALL BE REPLACED BY THE PROVISIONS OF INITIATIVE 84"

11. Page 22, lines 21 through 25.
Strike: lines 21 through 25 in their entirety
Insert: "

☐ FOR excepting uranium and thorium mill tailings produced in Montana from the ban on disposal of most radioactive waste and providing a regulatory system.

☐ AGAINST excepting uranium and thorium mill tailings produced in Montana from the ban on disposal of most radioactive waste and providing a regulatory system."

FOR THE SENATE:

Senator Keating, Chairman
Senator Dover
Senator Van Valkenburg

FOR THE HOUSE:

Representative Iverson, Chairman
Representative Conroy
Representative Keyser

Report adopted.

At the request of the President Pro Tempore, and without objection, the Senate reverted to Order of Business No. 2.

REPORTS OF STANDING COMMITTEES

TAXATION (Goodover, Chairman):
HB 474, be concurred in. Report adopted.

SB 487, introduced bill, be amended as follows:

1. Title, line 4.
Following: "AN ACT TO"
Strike: "MAKE"
Insert: "CONTINUE"

2. Title, lines 5 and 6.
Following: "COMMITTEE" on line 5
Strike: "A PERMANENT SUBCOMMITTEE"

Insert: "FOR THE BIENNIUM ENDING JUNE 30, 1983"

3. Page 1, line 14.
Following: "oversight committee"
Reinsert: "for the biennium ending June 30,"
Following: "~~1981~~"
Insert: "1983"

And, as so amended, do pass. Report adopted.

BILLS (O'Hara, Chairman):
Correctly enrolled - SB 15, SB 229, SB 377, SB 422, SJR 29. Report adopted.

The Senate will please take note that the President did, at the hour of 2:15 p.m., 4/21/81, sign the following bills:
SB 15, SB 229, SB 377, SB 422, HB 542, HB 851, SJR 29, HJR 20, HJR 26, HJR 51, HJR 59, HJR 62, HJR 63.

Jean A. Turnage
President

Signed by the Speaker of the House and President of the Senate, 4/21/81, at the hour of 3:00 p.m., delivered to the Governor for his approval - SB 15, SB 229. Report adopted.

I have examined Senate Bill No. 422 introduced by me and find the same to be correct. (Graham)

I have examined Senate Bill No. 377 introduced by me and find the same to be correct. (Berg)

I have examined Senate Bill No. 229 introduced by me and find the same to be correct. (Turnage)

I have examined Senate Bill No. 15 introduced by me and find the same to be correct. (Mazurek)

I have examined Senate Joint Resolution No. 29 introduced by me and find the same to be correct. (Stimatz)

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The House on 4/21/81, dissolved the Conference Committee, and the Speaker was authorized to appoint a Free Conference Committee to confer with a like Senate Committee on Senate Bill No. 240.

The Speaker appointed the following members:

Representative Nordtvedt, Chairman
Representative Fabrega
Representative Keedy

The House on 4/21/81, dissolved the Conference Committee, and the Speaker was authorized to appoint a new Conference Committee. The House respectfully requests the Senate to appoint a like committee to confer on Senate Bill No. 483.

The Speaker appointed the following members:

Representative Fabrega, Chairman
Representative Nordtvedt
Representative Williams

At the request of the President Pro Tempore, and without objection, the Senate reverted to Order of Business No. 3.

REPORTS OF SELECT COMMITTEES

CONFERENCE COMMITTEE
ON SENATE AMENDMENTS TO HOUSE BILL NO. 775
Report No. 1, April 20, 1981

MR. PRESIDENT AND SPEAKER OF THE HOUSE:

We, your Conference Committee on House Bill No. 775, met April 20, 1981, and considered:

Senate Committee on Taxation Amendments to the third reading copy, dated March 14, 1981, and recommend as follows:

That the House accede to Committee Amendment Nos. 1 and 2;

That the reference copy of House Bill No. 775 remain unchanged;

And, that the Conference Committee Report to House Bill No. 775 be adopted.

FOR THE SENATE:	FOR THE HOUSE:
Senator Goodover, Chairman	Representative Nordtvedt, Chairman
Senator Severson	Representative Fabrega
Senator Healy	Representative Williams

Report adopted.

MOTIONS

Senator Stephens moved, duly carried, that the President be authorized to appoint a Conference Committee to confer on Senate Amendments to House Bill No. 580.

The President appointed the following committee:

Senator Hazelbaker, Chairman
Senator Olson
Senator S. Brown

Senator Stephens moved, duly carried, that the Conference Committee appointed to confer on House Amendments to Senate Bill No. 483 be dissolved and that the President be authorized to appoint a new Conference Committee.

The President appointed the following committee:

Senator B. Brown, Chairman
Senator Norman
Senator Turnage

Senator Stephens moved, duly carried, that the President be authorized to appoint a Free Conference Committee to confer on House Amendments to Senate Bill No. 286.

The President appointed the following committee:

Senator Anderson, Chairman
Senator O'Hara
Senator Van Valkenburg

At the request of the President Pro Tempore, and without objection, the Senate reverted to Order of Business No. 5.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The House on 4/21/81, made a motion and voted to override the Governor's veto to the following House Bill:

House Bill No. 626, introduced by Keedy (73-27)

MOTIONS

Senator O'Hara moved that the Senate override the veto of Governor Schwinden on House Bill No. 626. Motion failed, lacking a two-thirds vote, by the following vote:

Ayes: Aklestad, Boylan, B. Brown, Conover, Crippen, Dover, Elliott, Galt, Goodover, Graham, Hafferman, Hager, Hammond, Hazelbaker, Johnson, Keating, Kolstad, Lee, Manley, McCallum, Nelson, Ochsner, O'Hara, Olson, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Tveit, Mr. President.
Total 33

Noes: Anderson, Berg, Blaylock, S. Brown, Eck, Etchart, Haffey, Halligan, Healy, Himsl, Jacobson, Manning, Mazurek, Norman, Regan, Towe, Van Valkenburg.
Total 17

Excused: None.
Total 0

Absent or not voting: None.
Total 0

(Including the following pair: Smith, aye - Tveit, aye; Towe, no.)

Senator Stephens moved, duly carried, that the Senate recess at the hour of 4:54 p.m. until the hour of 5:30 p.m.

At the request of the President Pro Tempore, and without objection, the Senate reverted to Order of Business No. 5.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The House on 4/21/81, failed to concur in Senate Amendments to House Bill No. 580, and the Speaker was authorized to appoint a Conference Committee. The House respectfully requests the Senate to appoint a like committee to confer on Senate Amendments to House Bill No. 580.

The Speaker appointed the following members:

Representative Feda, Chairman
Representative Ryan
Representative Dussault

FIRST READING OF BILLS

The following Senate Joint Resolution was introduced, read first time and referred to committee:

SJR 36, introduced by Eck, McBride, Berg, J. Jacobson, Regan, B. Brown. Referred to Committee on State Administration.

The following Senate Resolutions were introduced, read first time and referred to committees:

SR 4, introduced by Kolstad, Smith. Referred to Committee on Legislative Administration.

SR 5, introduced by Makzurek, Hafferman, P. Ryan, Keating, Halligan, Regan. Referred to Committee on Public Health, Welfare and Safety.

ANNOUNCEMENTS

April 21, 1981

President Jean Turnage
Montana State Senate
Helena, Montana

Dear President Turnage:

I am appointing Chet Blaylock as a member of the Legislative Oversight Committee to oversee the use of funds appropriated in HB 828 for our lobbying effort on the coal tax in this biennium.

Sincerely,

Chet Blaylock
Senator
District #35

CB/bm

April 21, 1981

The Honorable Jean A. Turnage
President of the Senate
State Capitol
Helena, Montana 59620

Dear Mr. President:

In accordance with the provisions of HB 828 which calls for the appointment by the Majority Leader of a member to the committee named in the bill, I hereby appoint the undersigned to serve on that committee as a representative of the Montana Republican Senate.

STAN STEPHENS

Sincerely,

Stan Stephens
Senate Majority Leader

At the request of the President Pro Tempore, and without objection, the Senate reverted to Order of Business No. 6.

MOTIONS

Senator Manley moved that the Senate reconsider its action taken in concurring with House Bill No. 871, as amended, and place it on Second Reading. Motion carried by the following vote:

Ayes: Aklestad, Anderson, B. Brown, Crippen, Dover, Elliott, Etchart, Galt, Goodover, Graham, Hager, Hammond, Hazelbaker, Johnson, Keating, Lee, Manley, McCallum, Nelson, Ochsner, O'Hara, Olson, Severson, Smith, Story, Tveit, Mr. President.
Total 27

Noes: Berg, Blaylock, Boylan, S. Brown, Conover, Eck, Haffey, Halligan, Healy, Himsl, Jacobson, Kolstad, Manning, Mazurek, Norman, Regan, Ryan, Stephens, Stimatz, Thomas, Towe, Van Valkenburg.

Total 22

Excused: None.
Total 0

Absent or not voting: Hafferman.
Total 1

Upon motion of Senator Stephens, duly carried, the Senate adjourned at 6:07 p.m. until Wednesday, April 22, at the hour of 10:00 a.m.

ALLEN C. KOLSTAD
President Pro Tempore of the Senate

JOHN W. LARSON
Secretary of the Senate

EIGHTY-NINTH LEGISLATIVE DAY

Helena, Montana
April 22, 1981

Senate Chambers
Capitol Building

Senate convened at 10:00 a.m., President Turnage presiding. Invocation by the Chaplain. Pledge of Allegiance to the Flag.

Roll call. All members present except Kolstad, excused. Quorum present.

Mr. President: We, your Committee on Bills and Journal, having examined the daily journal for the Eighty-eighth Legislative Day, find the same to be correct.

O'HARA, Chairman

REPORTS OF STANDING COMMITTEES

BILLS (O'Hara, Chairman):
Signed by the Speaker of the House and President of the Senate, 4/22/81, at the hour of 9:45 a.m., delivered to the Governor for his approval - SB 377, SB 422. Report adopted.

PRINTING (O'Hara, Chairman):
Correctly printed and placed on the members' desks - SB 487. Report adopted.

AGRICULTURE, LIVESTOCK AND IRRIGATION (Galt, Chairman):
HB 874, be concurred in. Report adopted.

FINANCE AND CLAIMS (Himsl, Chairman):
HB 666, be concurred in. Report adopted.
HB 868, be concurred in. Report adopted.
HB 867, be not concurred in.

Thereupon, the Adverse Committee Report was adopted by the following roll call vote:

Ayes: Aklestad, Anderson, Boylan, B. Brown, Crippen, Dover, Elliott, Etchart, Goodover, Graham, Hafferman, Hager, Hazelbaker, Himsl, Johnson, Keating, Manley, Manning, Mazurek, McCallum, Nelson, O'Hara, Olson, Severson, Smith, Stephens, Story, Tveit, Mr. President.
Total 29

Noes: Berg, Blaylock, S. Brown, Conover, Eck, Galt, Haffey, Halligan, Hammond, Healy, Jacobson, Lee, Norman, Regan, Ryan, Stimatz, Thomas, Towe, Van Valkenburg.
Total 19

Excused: Kolstad.
Total 1

Absent or not voting: Ochsner.
Total 1

HB 869, be not concurred in.

Thereupon, the Adverse Committee Report was not adopted by the following roll call vote:

Ayes: Aklestad, Anderson, B. Brown, Crippen, Dover, Elliott, Etchart, Hafferman, Hager, Hammond, Himsl, Johnson, Keating, Manley, McCallum, Ochsner, Severson, Smith, Stephens, Story, Tveit, Mr. President.

Total 22

Noes: Berg, Blaylock, Boylan, S. Brown, Conover, Eck, Galt, Goodover, Graham, Haffey, Halligan, Hazelbaker, Healy, Jacobson, Lee, Manning, Mazurek, Nelson, Norman, O'Hara, Olson, Regan, Ryan, Stimatz, Thomas, Towe, Van Valkenburg.
Total 27

Excused: Kolstad.
Total 1

Absent or not voting: None.
Total 0

HB 873, be concurred in. Report not adopted.

Minority Report

Minority Committee members are:

Senator Haffey
Senator Regan
Senator Stimatz
Senator Jacobson
Senator Boylan
Senator Thomas
Senator Van Valkenburg

Thereupon, the Minority Committee Report was not adopted by the following roll call vote:

Ayes: Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Eck, Goodover, Haffey, Hager, Halligan, Hazelbaker, Healy, Jacobson, Lee, Manning, Mazurek, Norman, Regan, Ryan, Stimatz, Thomas, Towe, Van Valkenburg.
Total 25

Noes: Aklestad, Anderson, Dover, Elliott, Etchart, Galt, Graham, Hafferman, Hammond, Himsl, Johnson, Keating, Kolstad, Manley, McCallum, Nelson, Ochsner, O'Hara, Olson, Severson, Smith, Stephens, Story, Tveit, Mr. President.
Total 25

Excused: None.
Total 0

Absent or not voting: None.
Total 0

(Including the following pair: Jacobson, aye - Kolstad, no.)

HB 873, be not concurred in.

Thereupon, the Adverse Committee Report was adopted by the following roll call vote:

Ayes: Aklestad, Anderson, B. Brown, Dover, Elliott, Etchart, Galt, Graham, Hafferman, Hager, Hammond, Himsl, Johnson, Keating, Kolstad, Manley, McCallum, Nelson, Ochsner, O'Hara, Olson, Severson, Smith, Stephens, Story, Tveit, Mr. President.
Total 27

Noes: Berg, Blaylock, Boylan, S. Brown, Conover, Crippen, Eck, Goodover, Haffey, Halligan, Hazelbaker, Healy, Jacobson, Lee, Manning, Mazurek, Norman, Regan, Ryan, Stimatz, Thomas, Towe, Van Valkenburg.

Total 23

Excused: None.
Total 0

Absent or not voting: None.
Total 0

(Including the following pair: Kolstad, aye - Blaylock, no.)

REPORTS OF SELECT COMMITTEES

FREE CONFERENCE COMMITTEE ON HOUSE BILL NO. 709

Report No. 1, April 22, 1981

MR. PRESIDENT AND SPEAKER OF THE HOUSE:

We, your Free Conference Committee on House Bill No. 709, met April 22, 1981, and considered:

Senate Finance and Claims Committee Amendments to the third reading copy, dated April 15, 1981, and;

Senate Committee of the Whole Amendments to the third reading copy, dated April 16, 1981, and recommend as follows:

That the House accede to Senate Finance and Claims Committee Amendment Nos. 1 through 4;

That the Senate recede from Committee of the Whole Amendment Nos. 1 and 2;

That the House accede to Committee of the Whole Amendment No. 3;

That the reference copy of House Bill No. 709 read as specified in the CLERICAL INSTRUCTIONS;

And, that the Free Conference Committee Report to House Bill No. 709 be adopted.

CLERICAL INSTRUCTIONS:

1. Page 2, line 8.
Strike: "$400,000"
Insert: "$350,000"

2. Page 4, line 8.
Strike: "$200,000"
Insert: "$350,000"

3. Page 4, lines 17 through 20.
Strike: lines 17 through 20 in their entirety

FOR THE SENATE:	FOR THE HOUSE:
Senator Kolstad, Chairman	Representative Donaldson, Chairman
Senator Lee	Representative Hurwitz
Senator Thomas	Representative Neuman

Report adopted.

CONFERENCE COMMITTEE ON SENATE BILL NO. 325

MR. PRESIDENT AND SPEAKER OF THE HOUSE:

We, your Conference Committee on Senate Bill No. 325, met April 21, 1981, and considered:

House State Administration Committee Amendments to the third reading copy, dated March 27, 1981, and recommend as follows:

That the Senate accede to Standing Committee Amendment No. 1, dated March 27, 1981;

That the reference copy of Senate Bill No. 325 remain unchanged;

And, that the Conference Committee Report to Senate Bill No. 325 be adopted.

FOR THE SENATE:	FOR THE HOUSE:
Senator Stephens, Chairman	Representative Sales, Chairman
Senator Kolstad	Representative Vinger
Senator Ryan	Representative Dussault

Report adopted.

MESSAGES FROM THE GOVERNOR

April 21, 1981

The Honorable Jean Turnage
President of the Senate
State Capitol
Helena, Montana 59620

Dear Mr. President:

This is to inform you that I have signed the following measures this date:

Senate Bill Nos. 458, 305, 479, 341, 115, 381, 463, 392, 300, 449, 107, 335, 475, 442.

Sincerely,

TED SCHWINDEN
Governor

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following Senate Joint Resolution was on 4/21/81, concurred in and returned to the Senate:

Senate Joint Resolution No. 34, introduced by Hager (86-5)

The following Governor's Amendments to Senate Bills were on 4/21/81, concurred in on Third Reading, and returned to the Senate:

Governor's Amendments to Senate Bill No. 267 (81-10)

Governor's Amendments to Senate Bill No. 459 (86-7)

The following Senate Amendments to House Bills were on 4/21/81, concurred in on Third Reading:

Senate Amendments to House Bill No. 27 (86-9)

Senate Amendments to House Bill No. 45 (94-0)

Senate Amendments to House Bill No. 810 (90-6)

Senate Amendments to House Bill No. 63 (89-6)

Senate Amendments to House Bill No. 290, introduced by Keedy (86-1)

Senate Amendments to House Bill No. 469, introduced by Thoft (92-3)

Senate Amendments to House Bill No. 838, introduced by Lund (95-0)

Senate Amendments to House Bill No. 865, introduced by Lund (67-25)

The following Governor's Amendments to House Bills were on 4/21/81, concurred in on Third Reading, and transmitted to the Senate for concurrence:

Governor's Amendments to House Bill No. 38 (76-19)

Governor's Amendments to House Bill No. 34 (93-3)

Governor's Amendments to House Bill No. 215 (88-6)

Governor's Amendments to House Bill No. 510 (89-5)

The House on 4/21/81, dissolved the Free Conference Committee, and the Speaker was authorized to appoint a new Free Conference Committee. The House respectfully requests the Senate to appoint a like committee to confer on House Amendments to Senate Bill No. 42.

The Speaker appointed the following members:

Representative Nordtvedt, Chairman
Representative Bardanouve
Representative Burnett

The House on 4/22/81, dissolved the Free Conference Committee, and the Speaker was authorized to appoint a new Free Conference Committee. The House respectfully requests the Senate to appoint a like committee to confer on Senate Amendments to House Bill No. 350.

The Speaker appointed the following members:

Representative Meyer, Chairman
Representative Fabrega
Representative Keedy

The Conference Committee Report to the following Senate Bill was on 4/21/81, adopted on Third Reading:

Conference Committee Report to Senate Bill No. 352

The following Free Conference Committee Reports to Senate Bills were on 4/21/81, adopted on Third Reading:

Free Conference Committee Report to Senate Bill No. 50

Free Conference Committee Report to Senate Bill No. 298

Free Conference Committee Report to Senate Bill No. 399

Free Conference Committee Report to Senate Bill No. 258

Free Conference Committee Report to Senate Bill No. 320

Free Conference Committee Report to Senate Bill No. 221

Free Conference Committee Report to Senate Bill No. 238

Free Conference Committee Report to Senate Bill No. 376

Free Conference Committee Report to Senate Bill No. 33

Free Conference Committee Report to Senate Bill No. 452

The following Free Conference Committee Reports to House Bills were on 4/21/81, adopted on Third Reading:

Free Conference Committee Report to House Bill No. 286

Free Conference Committee Report to House Bill No. 692

Free Conference Committee Report to House Bill No. 161

Free Conference Committee Report to House Bill No. 761

Free Conference Committee Report to House Bill No. 301

The Conference Committee Report to the following House Bill was on 4/21/81, adopted on Third Reading:

Conference Committee Report to House Bill No. 390

MOTIONS

Senator Aklestad moved that House Bill No. 640 be taken from Second Reading this day and rereferred to the Committee on Taxation. Motion carried by the following vote:

Ayes: Aklestad, Anderson, Crippen, Dover, Elliott, Etchart, Galt, Goodover, Hager, Hammond, Hazelbaker, Himsl, Johnson, Keating, Manley, McCallum, Nelson, Ochsner, O'Hara, Olson, Severson, Smith, Stephens, Story, Tveit, Mr. President.
Total 26

Noes: Blaylock, Boylan, B. Brown, S. Brown, Conover, Eck, Graham, Haffey, Halligan, Healy, Jacobson, Lee, Manning, Mazurek, Norman, Regan, Ryan, Stimatz, Thomas, Towe, Van Valkenburg.
Total 21

Excused: Kolstad.
Total 1

Absent or not voting: Berg, Hafferman.
Total 2

Senator B. Brown moved that the Senate reconsider its action taken in failing to override the Governor's veto on House Bill No. 626. Motion carried by the following vote:

Ayes: Aklestad, B. Brown, Crippen, Dover, Elliott, Galt, Goodover, Graham, Hafferman, Hager, Hammond, Hazelbaker, Himsl, Johnson, Keating, Kolstad, Lee, Manley, McCallum, Nelson, Ochsner, O'Hara, Olson, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Tveit, Mr. President.
Total 32

Noes: Anderson, Berg, Blaylock, Boylan, S. Brown, Conover, Eck, Etchart, Haffey, Halligan, Healy, Jacobson, Manning, Mazurek, Norman, Regan, Towe, Van Valkenburg.
Total 18

Excused: None.
Total 0

Absent or not voting: None.

Total 0

(Including the following pair: Kolstad, aye - Blaylock, no.)

Senator B. Brown moved that the Senate override the veto of Governor Schwinden on House Bill No. 626. Motion failed, lacking a two-thirds majority vote, by the following vote:

Ayes: Aklestad, B. Brown, Conover, Crippen, Dover, Elliott, Galt, Goodover, Graham, Hafferman, Hager, Hammond, Hazelbaker, Johnson, Keating, Kolstad, Lee, Manley, McCallum, Nelson, Ochsner, O'Hara, Olson, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Tveit, Mr. President.
Total 32

Noes: Anderson, Berg, Blaylock, Boylan, S. Brown, Eck, Etchart, Haffey, Halligan, Healy, Himsl, Jacobson, Manning, Mazurek, Norman, Regan, Towe, Van Valkenburg.
Total 18

Excused: None.
Total 0

Absent or not voting: None.
Total 0

(Including the following pair: Kolstad, aye - Blaylock, no.)

Senator Stephens moved, duly carried, that the Free Conference Committee appointed to confer on Senate Amendments to House Bill No. 350 be dissolved, and that the President be authorized to appoint a new Free Conference Committee.

The President appointed the following committee:

Senator Goodover, Chairman
Senator McCallum
Senator Hafferman

Senator Stephens moved that the Senate reconsider its action taken in adopting the Free Conference Committee Report on House Amendments to Senate Bill No. 42. Motion carried by the following vote:

Ayes: Aklestad, Anderson, Blaylock, Boylan, B. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Johnson, Keating, Lee, Manley, Manning, Mazurek, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 44

Noes: None.
Total 0

Excused: Kolstad.
Total 1

Absent or not voting: Berg, S. Brown, Himsl, Jacobson, McCallum.
Total 5

Senator Stephens moved, duly carried, that the Free Conference Committee appointed to confer on House Amendments to Senate Bill No. 42 be dissolved, and that the President be authorized to appoint a new Free Conference Committee.

The President appointed the following committee:

Senator McCallum, Chairman
Senator Hammond
Senator S. Brown

Senator Goodover moved, duly carried, that House Bill No. 869 be taken from the Committee on Finance and Claims and placed on Second Reading this day.

FIRST READING OF BILLS

The following Senate Resolution was introduced, read first time and referred to committee:

SR 6, introduced by Smith. Referred to Committee on Legislative Administration.

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Johnson in the Chair.

Senate resumed. President Turnage in the Chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on Second Reading, recommend as follows:

That House Bill No. 871, without objection, be placed at the bottom of the board.

That Senate Bill No. 487 do pass by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Kolstad.
Total 1

Absent or not voting: None.
Total 0

That House Bill No. 474 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Kolstad.
Total 1

Absent or not voting: None.
Total 0

That House Bill No. 563 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Kolstad.
Total 1

Absent or not voting: None.
Total 0

That House Amendments to Senate Bill No. 485 be not concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Kolstad.
Total 1

Absent or not voting: None.
Total 0

That the Governor's Amendments to House Bill No. 179 be concurred in. Motion failed by the following vote:

Ayes: Berg, Blaylock, S. Brown, Conover, Eck, Hafferman, Haffey, Halligan, Hazelbaker, Healy, Jacobson, Mazurek, Norman, Regan, Stimatz, Story, Thomas, Towe, Van Valkenburg.
Total 19

Noes: Aklestad, Anderson, Boylan, Crippen, Dover, Elliott, Etchart, Galt, Goodover, Hager, Hammond, Himsl, Johnson, Lee, Manley, McCallum, Nelson, Ochsner, O'Hara, Olson, Stephens, Tveit.
Total 22

Excused: Kolstad, Severson.
Total 2

Absent or not voting: B. Brown, Graham, Keating, Manning, Ryan, Smith, Mr. President.

Total 7

That the Governor's Amendments to House Bill No. 367, without objection, be moved to the bottom of the board.

That the Governor's Amendments to House Bill No. 389 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Kolstad.
Total 1

Absent or not voting: None.
Total 0

That the Conference Committee Report on House Bill No. 212 be adopted by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Kolstad.
Total 1

Absent or not voting: None.
Total 0

That the Conference Committee Report on House Bill No. 775 be adopted by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Kolstad.
Total 1

Absent or not voting: None.
Total 0

That the Governor's Amendments to House Bill No. 179 be not concurred in by the following vote:

Ayes: Aklestad, Anderson, Boylan, B. Brown, Crippen, Dover, Elliott, Etchart, Galt, Goodover, Hafferman, Hager, Hammond, Himsl, Johnson, Keating, Lee, McCallum, Nelson, O'Hara, Olson, Ryan, Smith, Stephens, Story, Tveit, Mr. President.
Total 27

Noes: Berg, Blaylock, S. Brown, Conover, Eck, Graham, Haffey, Halligan, Healy, Jacobson, Manley, Manning, Mazurek, Norman, Regan, Stimatz, Thomas, Towe, Van Valkenburg.
Total 19

Excused: Kolstad, Severson.
Total 2

Absent or not voting: Hazelbaker, Ochsner.
Total 2

That the Committee rise and report and beg leave to sit again. (Johnson, Chairman)

Upon motion of Senator Johnson, duly carried, the foregoing Report of the Committee of the Whole was adopted.

At the request of the President, and without objection, the Senate reverted to Order of Business No. 6.

MOTIONS

Senator Stephens moved, duly carried, that the Senate recess at the hour of 11:58 a.m. until the hour of 2:00 p.m.

Senator Stephens moved, duly carried, that the Free Conference Committee appointed to confer on Senate Amendments to House Bill No. 500 be dissolved, and that the President be authorized to appoint a new Free Conference Committee.

The President appointed the following committee:

Senator Smith, Chairman
Senator Stephens
Senator Regan

At the request of the President, and without objection, the Senate reverted to Order of Business No. 2.

REPORTS OF STANDING COMMITTEES

I have examined Senate Bill No. 49 introduced by me and find the same to be correct. (Eck)

I have examined Senate Bill No. 58 introduced by me and find the same to be correct. (Van Valkenburg)

I have examined Senate Bill No. 78 introduced by me and find the same to be correct. (Severson)

I have examined Senate Bill No. 85 introduced by me and find the same to be correct. (Dover)

I have examined Senate Bill No. 152 introduced by me and find the same to be correct. (Mazurek)

I have examined Senate Bill No. 199 introduced by me and find the same to be correct. (Etchart)

I have examined Senate Bill No. 361 introduced by me and find the same to be correct. (Lee)

I have examined Senate Joint Resolution No. 26 introduced by me and find the same to be correct. (Thomas)

BILLS (O'Hara, Chairman):
Correctly enrolled - SB 49, SB 58, SB 78, SB 85, SB 152, SB 199, SB 361, SJR 26. Report adopted.

The Senate will please take note that the President did, at the hour of 10:30 a.m., 4/22/81, sign the following bills:
SB 49, SB 58, SB 78, SB 85, SB 152, SB 199, SB 361, HB 135, HB 217, HB 270, HB 469, HB 642, HB 653, HB 674, HB 801, SJR 26.

Jean A. Turnage
President

PUBLIC HEALTH, WELFARE AND SAFETY (Hager, Chairman):
SR 5, do pass. Report adopted.

NATURAL RESOURCES (Dover, Chairman):
HJR 66, be concurred in. Report adopted.

STATE ADMINISTRATION (Story, Chairman):
SJR 36, do pass. Report not adopted.

Minority Report

Minority Committee members are:

Senator Towe
Senator Story

Thereupon, the Minority Committee Report was not adopted by the following roll call vote:

Ayes: Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Eck, Haffey, Hager, Halligan, Healy, Jacobson, Manning, Mazurek, Norman, Regan, Stimatz, Story, Thomas, Towe, Van Valkenburg, Mr. President.
Total 24

Noes: Aklestad, Dover, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Hammond, Hazelbaker, Himsl, Johnson, Keating, Lee, Manley, McCallum, Nelson, Ochsner, O'Hara, Olson, Ryan, Severson, Smith, Stephens, Tveit.
Total 25

Excused: Kolstad.
Total 1

Absent or not voting: None.
Total 0

SJR 36, do not pass.

Majority Report

Majority Committee members are:

Senator Hafferman
Senator Johnson
Senator Ryan
Senator Hammond

Thereupon, the Majority Committee Report was adopted by the following roll call vote:

Ayes: Aklestad, Dover, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Hammond, Hazelbaker, Himsl, Johnson, Keating, Lee, Manley, McCallum, Nelson, Ochsner, O'Hara, Olson, Ryan, Smith, Stephens, Thomas, Tveit.
Total 25

Noes: Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Eck, Haffey, Hager, Halligan, Healy, Jacobson, Manning, Mazurek, Regan, Severson, Stimatz, Story, Towe, Van Valkenburg, Mr. President.
Total 23

Excused: Kolstad.
Total 1

Absent or not voting: Norman.
Total 1

REPORTS OF SELECT COMMITTEES

FREE CONFERENCE COMMITTEE ON SENATE BILL NO. 243
Report No. 2, April 17, 1981

MR. PRESIDENT AND SPEAKER OF THE HOUSE:

We, your Free Conference Committee on Senate Bill No. 243, met April 17, 1981, and considered:

House Select Water Committee Amendments to the third reading copy, dated March 24, 1981, and;

House Committee of the Whole Amendments to the third reading copy, dated March 31, 1981, and recommend as follows:

That the Senate accede to Standing Committee Amendment Nos. 3, 4, 6, 7, 9, and 15, dated March 24, 1981;

That the House recede from Standing Committee Amendment Nos. 1, 2, 5, 8, 10 through 14, and 16 through 20;

That the House recede from Committee of the Whole Amendment Nos. 1 through 7;

That Senate Bill No. 243 be further amended as specified in CLERICAL INSTRUCTIONS NOS. 2, 4, 6, 17, 18, and 19;

That the reference copy of Senate Bill No. 243 read as specified in the CLERICAL INSTRUCTIONS;

And, that the Free Conference Committee Report on Senate Bill No. 243 be adopted.

CLERICAL INSTRUCTIONS:

1. Title, line 7.

Strike: "BOARD"
Insert: "DEPARTMENT"

2. Title, lines 10 and 11.
Following: "MCA,"
Strike: "UPON CONSENT OF THE LEGISLATURE AND"
Following: "MONTANA"
Insert: "; PROVIDING FOR LEGISLATIVE REVIEW; AND PROVIDING AN EFFECTIVE DATE"

3. Page 1, lines 20 and 21.
Following: "~~The~~"
Strike: "UPON APPROVAL BY THE LEGISLATURE, THE BOARD"
Insert: "The department"

4. Page 2, lines 1 through 3.
Following: "Dakota."
Strike: the remainder of Section 2
Insert: "Section 3. Legislative review. (1) A diversion of water from the basin pursuant to Article X of the compact consented to by the department under the provisions of [this act] may not be made until one of the following occurs, whichever is later:

(a) the legislature ratifies the first determination of the department to consent to a diversion of water from the basin pursuant to Article X of the compact; or

(b) July 1, 1983.

(2) A decision by the department to disapprove a diversion of water is not subject to legislative approval."
Renumber: subsequent sections

5. Page 2, line 9.
Strike: "BOARD"
Insert: "department"

6. Page 3, line 9.
Strike: "BOARD"
Insert: "department"

7. Page 3, line 19.
Strike: "BOARD"
Insert: "department"

8. Page 3, line 22.
Strike: "BOARD"
Insert: "department"

9. Page 5, line 6.
Strike: "BOARD"
Insert: "department"

10. Page 5, line 9.
Strike: "BOARD"
Insert: "department"

11. Page 5, line 16.
Strike: "CONTINGENT UPON APPROVAL BY THE LEGISLATURE, THE BOARD"
Insert: "The department"

12. Page 6, lines 23 and 24.

Strike: "BOARD"
Insert: "department"
Following: "approve"
Strike: ", CONTINGENT UPON LEGISLATIVE APPROVAL,"

13. Page 7, lines 6 and 7.
Strike: "BOARD"
Insert: "department"
Following: "approve"
Strike: ", CONTINGENT UPON LEGISLATIVE APPROVAL,"

14. Page 7, line 11.
Strike: "BOARD"
Insert: "department"

15. Page 7, line 21.
Strike: "BOARD"
Insert: "department"

16. Page 8, line 1.
Strike: "BOARD'S"
Insert: "department's"

17. Page 8, line 4.
Following: "the"
Strike: "board's"
Insert: "department's"

18. Page 8, lines 6 through 12.
Following: "20"
Strike: the remainder of Section 5
Insert: "The department's consent shall terminate on July 1, 1981, unless the department issues the certificate for the facility in accordance with Title 75, chapter 20 and approval of North Dakota and Wyoming is secured in accordance with Article X of the compact or unless consent is extended by the department."

19. Page 9, lines 10 and 11.
Insert: all stricken language

FOR THE SENATE:

Senator Dover, Chairman
Senator Graham
Senator Tveit

FOR THE HOUSE:

Representative Curtiss, Chairman
Representative Asay
Representative Shontz

Report adopted.

FREE CONFERENCE COMMITTEE
ON HOUSE BILL NO. 9
Report No. 1, March 19, 1981

MR. PRESIDENT AND SPEAKER OF THE HOUSE:

We, your Free Conference Committee on House Bill No. 9, met March 19, 1981, and considered:

Senate Standing Committee on Judiciary Amendment, dated March 9, 1981, and recommend as follows:

That House Bill No. 9, reference copy, be amended as follows:

1. Page 2, lines 13 and 14.
Following: line 12

Insert: "(e) 3 days per month for those inmates participating in self improvement activities designated by the department."

And, that the Free Conference Committee Report on House Bill No. 9 be adopted.

FOR THE SENATE:

Senator Crippen, Chairman
Senator Olson
Senator Ryan

FOR THE HOUSE:

Representative Yardley, Chairman
Representative Seifert
Representative Bennett

Report adopted.

FREE CONFERENCE COMMITTEE
ON HOUSE BILL NO. 350
Report No. 1, March 23, 1981

MR. PRESIDENT AND SPEAKER OF THE HOUSE:

We, your Free Conference Committee on House Bill No. 350, met March 23, 1981, and considered:

Senate Business and Industry Committee Amendments to the third reading copy, dated March 9, 1981, and recommend as follows:

That the House accede to Committee Amendment No. 1;

That the House accede to Committee Amendment No. 2;

That House Bill No. 350 be further amended as specified in the CLERICAL INSTRUCTIONS NOS. 1 through 5;

That the reference copy of House Bill No. 350 read as specified in the CLERICAL INSTRUCTIONS;

And, that the Free Conference Committee Report to House Bill No. 350 be adopted.

CLERICAL INSTRUCTIONS:

1. Page 1, line 23.
Following: "include"
Insert: "(a)"

2. Page 1, line 24.
Following: "appraisal,"
Insert: "(b)"

3. Page 2, line 2.
Following: "one"
Strike: "such"

4. Page 2, line 3.
Following: "examination"
Insert: "(a) or (b)"

5. Page 2, line 4.
Following: "IF"
Strike: "TAKEN"
Insert: "he passes the remaining portion"

FOR THE SENATE:

Senator Goodover, Chairman
Senator McCallum

FOR THE HOUSE:

Representative Meyer, Chairman
Representative Fabrega

Senator Hafferman Representative Keedy

Report adopted.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The House on 4/22/81, dissolved the Free Conference Committee, and the Speaker was authorized to appoint a new Free Conference Committee. The House respectfully requests the Senate to appoint a like committee to confer on Senate Amendments to House Bill No. 500.

The Speaker appointed the following members:

Representative Moore, Chairman
Representative Cozzens
Representative Conroy

The following Senate Bills were on 4/22/81, concurred in as amended, and returned to the Senate for concurrence in House Amendments:

Senate Bill No. 200, introduced by Senate Taxation Committee (63-33)

Senate Bill No. 283, introduced by Elliott (89-8)

Senate Bill No. 356, introduced by Blaylock (61-32)

The following House Joint Resolution was on 4/22/81, passed on Third Reading, and transmitted to the Senate for concurrence:

House Joint Resolution No. 68, introduced by Fagg

MOTIONS

Senator Stephens moved that the Joint Rules of the Forty-seventh Legislative Session be temporarily suspended in order to place Senate Bill No. 487 on Third Reading this day. Motion carried by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, Conover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 45

Noes: None.
Total 0

Excused: Kolstad.
Total 1

Absent or not voting: S. Brown, Crippen, Dover, Keating.
Total 4

Senator Stephens moved that the Joint Rules of the Forty-seventh Legislative Session be temporarily suspended in order to permit receipt of House Joint Resolution No. 68 from the House. Motion carried by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Lee, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.

Total 47

Noes: None.
Total 0

Excused: Kolstad.
Total 1

Absent or not voting: Crippen, Manley.
Total 2

FIRST READING OF BILLS

The following House Joint Resolution was introduced, read first time and referred to committee:

HJR 68, introduced by Fagg. Referred to Committee on Rules.

At the request of the President, and without objection, the Senate reverted to Order of Business No. 6.

MOTIONS

President Turnage moved, duly carried, that the Senate recess at the hour of 2:45 p.m. until the hour of 2:50 p.m.

Senator Ryan moved that House Bill No. 160 be taken from the Committee on Taxation and placed on Second Reading this day. Motion failed by the following vote:

Ayes: Berg, Blaylock, Boylan, S. Brown, Conover, Crippen, Eck, Graham, Hafferman, Haffey, Hager, Halligan, Hazelbaker, Healy, Jacobson, Keating, Mazurek, Norman, Ryan, Severson, Stimatz, Van Valkenburg.
Total 22

Noes: Aklestad, Anderson, B. Brown, Dover, Elliott, Etchart, Galt, Goodover, Himsl, Johnson, Lee, Manley, Manning, McCallum, Nelson, Ochsner, O'Hara, Olson, Smith, Stephens, Story, Towe, Tveit, Mr. President.
Total 24

Excused: Kolstad.
Total 1

Absent or not voting: Hammond, Regan, Thomas.
Total 3

Senator Dover moved, duly carried, that Senate Bill No. 243 be taken from the Committee on Bills and Journal and rereferred to the Free Conference Committee.

THIRD READING OF BILLS

The following bill having been read three several times, title and history agreed to, was disposed of in the following manner:

Senate Bill No. 487 was passed by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, Conover, Crippen, Eck, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Towe, Van Valkenburg, Mr. President.
Total 44

Noes: S. Brown.
Total 1

Excused: Kolstad.
Total 1

Absent or not voting: Dover, Elliott, Thomas, Tveit.
Total 4

At the request of the President, and without objection, the Senate reverted to Order of Business No. 8.

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Johnson in the Chair.

Senate resumed. President Turnage in the Chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on Second Reading, recommend as follows:

That the Free Conference Committee Report on House Bill No. 558 be adopted by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Kolstad.
Total 1

Absent or not voting: None.
Total 0

That the Free Conference Committee Report on House Bill No. 652 be adopted by the following vote:

Ayes: Aklestad, Anderson, S. Brown, Crippen, Dover, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Lee, Manley, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Ryan, Severson, Smith, Stephens, Stimatz, Thomas, Tveit.
Total 36

Noes: Berg, Blaylock, Boylan, B. Brown, Conover, Eck, Halligan, Regan, Towe, Van Valkenburg.
Total 10

Excused: Kolstad.
Total 1

Absent or not voting: Manning, Story, Mr. President.
Total 3

That the Committee rise and report and beg leave to sit again. (Johnson, Chairman)

At the request of the President, and without objection, the Senate reverted to Order of Business No. 6.

MOTIONS

Senator Stephens moved, duly carried, that the President be authorized to appoint a Free Conference Committee to confer on House Amendments to Senate Bill No. 485.

The President appointed the following committee:

Senator O'Hara, Chairman
Senator B. Brown
Senator Berg

Senator Stephens moved, duly carried, that the President be authorized to appoint a Conference Committee to confer on the Governor's Amendments to House Bill No. 179.

The President appointed the following committee:

Senator McCallum, Chairman
Senator Ochsner
Senator Stephens

Senator Stephens moved, duly carried, that the Senate recess at the hour of 3:16 p.m., subject to the Call of the Chair.

At the request of the President, and without objection, the Senate reverted to Order of Business No. 2.

REPORTS OF STANDING COMMITTEES

RULES (Stephens, Chairman):
HJR 68, be concurred in. Report adopted.

MOTIONS

Senator Stephens moved that the Joint Rules of the Forty-seventh Legislative Session be temporarily suspended in order to place House Joint Resolution No. 68 on Second Reading this day. Motion carried by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, Crippen, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Lee, Manley, Manning, McCallum, Nelson, Ochsner, O'Hara, Olson, Regan, Severson, Smith, Stephens, Stimatz, Thomas, Towe, Mr. President.
Total 40

Noes: None.
Total 0

Excused: Kolstad.
Total 1

Absent or not voting: S. Brown, Conover, Dover, Mazurek, Norman, Ryan, Story, Tveit, Van Valkenburg.
Total 9

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Johnson in the Chair.

Senate resumed. President Turnage in the Chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on Second Reading, recommend as follows:

That House Joint Resolution No. 68 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Kolstad.
Total 1

Absent or not voting: None.
Total 0

That the Committee rise and report and beg leave to sit again. (Johnson, Chairman)

At the request of the President, and without objection, the Senate reverted to Order of Business No. 6.

MOTIONS

Senator Stephens moved that the Joint Rules of the Forty-seventh Legislative Session be temporarily suspended in order to place House Joint Resolution No. 68 on Third Reading this day. Motion carried by the following vote:

Ayes: Aklestad, Berg, Blaylock, Boylan, B. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 46

Noes: S. Brown.
Total 1

Excused: Kolstad.
Total 1

Absent or not voting: Anderson, Hammond.
Total 2

THIRD READING OF BILLS

The following bill having been read three several times, title and history agreed to, was disposed of in the following manner:

House Joint Resolution No. 68 was concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman,

Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Ryan, Severson, Smith, Stephens, Stimatz, Story, Towe, Tveit, Van Valkenburg, Mr. President.
Total 46

Noes: S. Brown, Regan.
Total 2

Excused: Kolstad.
Total 1

Absent or not voting: Thomas.
Total 1

At the request of the President, and without objection, the Senate reverted to Order of Business No. 8.

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Johnson in the Chair.

Senate resumed. President Turnage in the Chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on Second Reading, recommend as follows:

That House Bill No. 871 be amended by adding the following Statement of Intent:

STATEMENT OF INTENT: House Bill No. 871

A Statement of Intent is required for this bill because it delegates rulemaking authority to the Montana Historical Society and the Department of Fish, Wildlife, and Parks. This bill appropriates earmarked funds for the acquisition of state parks and for grants for cultural and aesthetic projects.

Because of the uncertainty of the amount of available funds and the frequency of collections, it is the Legislature's intent that the Historical Society and Department of Fish, Wildlife, and Parks adopt rules to equitably distribute these funds for park acquisition and cultural projects. These rules may provide for adjustments of grants if less revenue is received than is appropriated in this act.

Amendment passed by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Kolstad.
Total 1

Absent or not voting: None.
Total 0

That House Bill No. 871 be amended. Motion failed by the following vote:

Ayes: Aklestad, Boylan, Dover, Elliott, Galt, Goodover, Hammond, Johnson, Keating, Lee, Manley, McCallum, Ochsner, Tveit, Mr. President.
Total 15

Noes: Berg, Blaylock, B. Brown, S. Brown, Conover, Crippen, Eck, Etchart, Graham, Haffey, Hager, Halligan, Hazelbaker, Healy, Himsl, Jacobson, Manning, Mazurek, Norman, Olson, Regan, Ryan, Severson, Stephens, Stimatz, Thomas, Towe, Van Valkenburg.
Total 28

Excused: Kolstad.
Total 1

Absent or not voting: Anderson, Hafferman, Nelson, O'Hara, Smith, Story.
Total 6

That House Bill No. 871 be amended as follows:

1. Page 1, line 24.
Following: "on"
Strike: "Engle site"
Insert: "park sites"

2. Page 2, line 1.
Following: "section 1"
Strike: "(1)"

3. Page 2, line 2.
Following: "of"
Strike: "the Engle"
Insert: "each park"
Following: "project."
Strike: "This"
Insert: "Each"

Amendments passed by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Kolstad.
Total 1

Absent or not voting: None.
Total 0

That House Bill No. 871 be amended as follows:

1. Page 3, line 15.
Following: "(16)"
Strike: "Western States Regional Theater"

Insert: "Renovation of Custer County Art Center"

Amendment passed by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Kolstad.
Total 1

Absent or not voting: None.
Total 0

That House Bill No. 871, as amended, be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Lee, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: Manley.
Total 1

Excused: Kolstad.
Total 1

Absent or not voting: None.
Total 0

That the Governor's Amendments to House Bill No. 367 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Kolstad.
Total 1

Absent or not voting: None.
Total 0

That the Governor's Amendments to House Bill No. 34 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Kolstad.
Total 1

Absent or not voting: None.
Total 0

That the Governor's Amendments to House Bill No. 38 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Kolstad.
Total 1

Absent or not voting: None.
Total 0

That the Governor's Amendments to House Bill No. 215 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Kolstad.
Total 1

Absent or not voting: None.
Total 0

That the Governor's Amendments to House Bill No. 510 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Kolstad.
Total 1

Absent or not voting: None.
Total 0

That the Conference Committee Report on Senate Bill No. 325 be adopted by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Kolstad.
Total 1

Absent or not voting: None.
Total 0

That the Free Conference Committee Report on House Bill No. 709 be adopted by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Kolstad.
Total 1

Absent or not voting: None.
Total 0

That Senate Resolution No. 5 be adopted by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Kolstad.
Total 1

Absent or not voting: None.
Total 0

That the Committee rise and report and beg leave to sit again. (Johnson, Chairman)

Upon motion of Senator Johnson, duly carried, the foregoing Report of the Committee of the Whole was adopted.

At the request of the President, and without objection, the Senate reverted to Order of Business No. 6.

MOTIONS

Senator Eck moved that the Senate reconsider its action taken in adopting the Adverse Committee Report on Senate Joint Resolution No. 36. Motion carried by the following vote:

Ayes: Anderson, Berg, Blaylock, Boylan, B. Brown, Conover, Crippen, Dover, Eck, Elliott, Goodover, Haffey, Hager, Halligan, Healy, Jacobson, Johnson, Keating, McCallum, Norman, Ochsner, O'Hara, Olson, Regan, Severson, Stephens, Stimatz, Thomas, Towe, Mr. President.
Total 30

Noes: Aklestad, Graham, Hafferman, Hazelbaker, Himsl, Lee, Manley, Nelson, Ryan, Smith, Tveit.
Total 11

Excused: Kolstad.
Total 1

Absent or not voting: S. Brown, Etchart, Galt, Hammond, Manning, Mazurek, Story, Van Valkenburg.
Total 8

Senator Eck moved, duly carried, that Senate Joint Resolution No. 36 be placed on Second Reading this day.

Senator Stephens moved, duly carried, that the Senate recess at the hour of 4:43 p.m. until the hour of 5:45 p.m.

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Johnson in the Chair.

Senate resumed. President Turnage in the Chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on Second Reading, recommend as follows:

That House Bill No. 666, without objection, be placed at the bottom of the board.

That House Bill No. 868, without objection, be placed at the bottom of the board.

That House Bill No. 869, without objection, be placed at the bottom of the board.

That House Bill No. 874 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: S. Brown.
Total 1

Excused: Kolstad.
Total 1

Absent or not voting: None.
Total 0

That House Joint Resolution No. 66 be amended as follows:

1. Page 2, line 2.
Following: "WHEREAS,"
Strike: "adverse"
Insert: "certain social and economic"

2. Page 2, line 7.
Following: "substantial"
Strike: "adverse"

3. Page 2, line 11.
Following: "communities"
Strike: "adversely"

4. Page 2, line 17.
Following: "for"
Strike: "adverse"

5. Page 2, line 18.
Following: line 17
Strike: "protect"
Insert: "continue"

6. Page 3, line 23.
Following: "meeting"
Strike: "adverse"
Insert: "any"

Amendments passed by the following vote:

Ayes: Anderson, Berg, Boylan, Dover, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Halligan, Hammond, Hazelbaker, Healy, Himsl, Keating, Lee, Manley, Mazurek, McCallum, Nelson, Ochsner, O'Hara, Olson, Severson, Story, Thomas, Tveit, Mr. President.

Total 30

Noes: Blaylock, B. Brown, S. Brown, Conover, Crippen, Eck, Jacobson, Ryan, Towe.
Total 9

Excused: Kolstad.
Total 1

Absent or not voting: Aklestad, Hager, Johnson, Manning, Norman, Regan, Smith, Stephens, Stimatz, Van Valkenburg.
Total 10

That House Joint Resolution No. 66, as amended, be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Kolstad.
Total 1

Absent or not voting: None.
Total 0

That House Amendments to Senate Bill No. 200 be concurred in by the following vote:

Ayes: Anderson, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Elliott, Etchart, Goodover, Graham, Hafferman, Hager, Hammond, Hazelbaker, Himsl, Keating, Lee, Manley, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Story, Thomas, Tveit, Mr. President.
Total 31

Noes: Berg, Eck, Haffey, Halligan, Healy, Jacobson, Stimatz, Towe.
Total 8

Excused: Kolstad.
Total 1

Absent or not voting: Aklestad, Galt, Johnson, Manning, Regan, Ryan, Severson, Smith, Stephens, Van Valkenburg.
Total 10

That House Amendments to Senate Bill No. 283 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Kolstad.
Total 1

Absent or not voting: None.
Total 0

That House Amendments to Senate Bill No. 356 be concurred in by the following vote:

Ayes: Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Eck, Goodover, Graham, Hafferman, Haffey, Halligan, Hazelbaker, Healy, Himsl, Jacobson, Mazurek, McCallum, Norman, Regan, Ryan, Severson, Stephens, Stimatz, Thomas, Towe, Van Valkenburg, Mr. President.
Total 29

Noes: Aklestad, Crippen, Dover, Elliott, Etchart, Galt, Hammond, Keating, Lee, Manley, Nelson, Ochsner, O'Hara, Olson, Smith, Story, Tveit.
Total 17

Excused: Kolstad.
Total 1

Absent or not voting: Hager, Johnson, Manning.
Total 3

That the Free Conference Committee Report on House Bill No. 9 be adopted by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: Ryan.
Total 1

Excused: Kolstad.
Total 1

Absent or not voting: None.
Total 0

That the Free Conference Committee Report on House Bill No. 350 be adopted by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Kolstad.
Total 1

Absent or not voting: None.
Total 0

That Senate Joint Resolution No. 36 do pass by the following vote:

Ayes: Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Crippen, Eck, Elliott, Goodover, Graham, Haffey, Hager, Halligan, Hazelbaker, Healy, Jacobson, Keating, Mazurek, McCallum, Ochsner, O'Hara, Regan, Severson, Stephens, Stimatz, Story, Thomas, Towe, Van Valkenburg, Mr. President.
Total 31

Noes: Aklestad, Dover, Etchart, Galt, Hafferman, Hammond, Himsl, Lee, Manley, Nelson, Olson, Ryan, Tveit.
Total 13

Excused: Kolstad.
Total 1

Absent or not voting: Conover, Johnson, Manning, Norman, Smith.
Total 5

That the Committee rise and report and beg leave to sit again. (Johnson, Chairman)

Upon motion of Senator Johnson, duly carried, the foregoing Report of the Committee of the Whole was adopted.

At the request of the President, and without objection, the Senate reverted to Order of Business No. 6.

MOTIONS

Senator Stephens moved that House Bill No. 499 be taken from the Committee on Taxation and placed on Second Reading this day. Motion carried by the following vote:

Ayes: Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Dover, Eck, Galt, Hafferman, Haffey, Hager, Halligan, Hazelbaker, Healy, Himsl, Jacobson, Mazurek, Nelson, Norman, O'Hara, Regan, Stephens, Stimatz, Thomas, Towe, Van Valkenburg, Mr. President.
Total 28

Noes: Aklestad, Crippen, Elliott, Etchart, Goodover, Graham, Hammond, Johnson, Keating, Lee, Manley, McCallum, Ochsner, Olson, Ryan, Severson, Smith, Story, Tveit.
Total 19

Excused: Kolstad.
Total 1

Absent or not voting: Conover, Manning.
Total 2

Senator Stephens moved that the Joint Rules of the Forty-seventh Legislative Session be temporarily suspended in order to permit receipt of House Bill No. 876 from the House. Motion carried by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, Conover, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Nelson,

Norman, Regan, Ryan, Stephens, Stimatz, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 33

Noes: S. Brown, Crippen, Hafferman, Johnson, Keating, Lee, Manley, Mazurek, McCallum, Ochsner, O'Hara, Olson, Severson, Smith, Story.
Total 15

Excused: Kolstad.
Total 1

Absent or not voting: Manning.
Total 1

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Johnson in the Chair.

Senate resumed. President Turnage in the Chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on Second Reading, recommend as follows:

That House Bill No. 499 be concurred in by the following vote:

Ayes: Anderson, Berg, Blaylock, S. Brown, Crippen, Dover, Eck, Galt, Graham, Haffey, Hager, Halligan, Hazelbaker, Himsl, Jacobson, Keating, Mazurek, Nelson, O'Hara, Regan, Stephens, Thomas, Towe, Van Valkenburg, Mr. President.
Total 25

Noes: Aklestad, Boylan, B. Brown, Elliott, Etchart, Goodover, Hafferman, Hammond, Healy, Johnson, Lee, Manley, McCallum, Norman, Ochsner, Olson, Ryan, Severson, Smith, Story, Tveit.
Total 21

Excused: Kolstad.
Total 1

Absent or not voting: Conover, Manning, Stimatz.
Total 3

That the Committee rise and report. (Johnson, Chairman)

Upon motion of Senator Johnson, duly carried, the foregoing Report of the Committee of the Whole was adopted.

At the request of the President, and without objection, the Senate reverted to Order of Business No. 6.

MOTIONS

Senator Stephens moved that the Joint Rules of the Forty-seventh Legislative Session be temporarily suspended in order to place House Bill Nos. 474, 563, 871, and 874; Senate Joint Resolution No. 36; Governor's Amendments to House Bill Nos. 215, 38, 34, 367, 389, and House Bill No. 510; House Amendments to Senate Bill Nos. 200, 283, 356; and House Joint Resolution No. 66 on Third Reading this day. Motion carried by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Crippen, Dover, Eck, Elliott, Etchart, Galt, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Lee, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara,

Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Van Valkenburg.
Total 43

Noes: Goodover, Tveit.
Total 2

Excused: Kolstad.
Total 1

Absent or not voting: Conover, Manley, Manning, Mr. President.
Total 4

Senator Stephens moved, duly carried, that the Free Conference Committee appointed to confer on Senate Amendments to House Bill No. 71 be dissolved and that the President be authorized to appoint a new Free Conference Committee.

The President appointed the following committee:

Senator Hammond, Chairman
Senator Mazurek
Senator Johnson

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

House Bill No. 474 was concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Crippen, Dover, Eck, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Lee, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg.
Total 44

Noes: Elliott.
Total 1

Excused: Kolstad.
Total 1

Absent or not voting: Conover, Manley, Manning, Mr. President.
Total 4

House Bill No. 563, requiring a two-thirds vote of all the members of the Legislature, was concurred in and returned to the House with the following vote:

Ayes: Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Crippen, Eck, Elliott, Etchart, Galt, Hafferman, Haffey, Hager, Halligan, Hazelbaker, Healy, Himsl, Jacobson, Mazurek, Nelson, Norman, O'Hara, Ryan, Stephens, Stimatz, Story, Thomas, Towe, Van Valkenburg, Mr. President.
Total 31

Noes: Aklestad, Dover, Goodover, Graham, Hammond, Johnson, Keating, Lee, McCallum, Ochsner, Olson, Regan, Severson, Smith, Tveit.
Total 15

Excused: Kolstad.

Total 1

Absent or not voting: Conover, Manley, Manning.
Total 3

House Bill No. 871 was concurred in by the following vote:

Ayes: Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Crippen, Eck, Etchart, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hazelbaker, Healy, Himsl, Jacobson, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 37

Noes: Dover, Hafferman, Hammond, Johnson, Keating, Lee.
Total 6

Excused: Kolstad.
Total 1

Absent or not voting: Aklestad, Conover, Elliott, Manley, Manning, Smith.
Total 6

Senate Joint Resolution No. 36 was passed by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Crippen, Dover, Eck, Elliott, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Jacobson, Johnson, Keating, McCallum, Nelson, Norman, Ochsner, O'Hara, Regan, Severson, Stephens, Stimatz, Story, Thomas, Towe, Van Valkenburg, Mr. President.
Total 37

Noes: Hafferman, Himsl, Lee, Olson, Ryan, Smith, Tveit.
Total 7

Excused: Kolstad.
Total 1

Absent or not voting: Conover, Etchart, Manley, Manning, Mazurek.
Total 5

House Bill No. 874 was concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Lee, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 45

Noes: S. Brown.
Total 1

Excused: Kolstad.
Total 1

Absent or not voting: Conover, Manley, Manning.
Total 3

House Joint Resolution No. 66 was concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, S. Brown, Crippen, Eck, Elliott, Etchart, Goodover, Graham, Haffey, Hager, Halligan,

Hammond, Hazelbaker, Healy, Jacobson, Johnson, Keating, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 39

Noes: B. Brown, Dover, Galt, Hafferman, Himsl, Lee, Smith.
Total 7

Excused: Kolstad.
Total 1

Absent or not voting: Conover, Manley, Manning.
Total 3

House Amendments to Senate Bill No. 200 were concurred in by the following vote:

Ayes: Aklestad, Anderson, Blaylock, Boylan, B. Brown, S. Brown, Crippen, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Lee, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Tveit, Van Valkenburg, Mr. President.
Total 41

Noes: Berg, Dover, Eck, Regan, Towe.
Total 5

Excused: Kolstad.
Total 1

Absent or not voting: Conover, Manley, Manning.
Total 3

House Amendments to Senate Bill No. 283 were concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Healy, Himsl, Jacobson, Johnson, Keating, Lee, Mazurek, McCallum, Nelson, Norman, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 44

Noes: None.
Total 0

Excused: Kolstad.
Total 1

Absent or not voting: Conover, Hazelbaker, Manley, Manning, Ochsner.
Total 5

House Amendments to Senate Bill No. 356 were concurred in by the following vote:

Ayes: Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Eck, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hazelbaker, Healy, Himsl, Jacobson, Mazurek, McCallum, Nelson, Norman, Regan, Ryan, Severson, Stephens, Stimatz, Thomas, Towe, Van Valkenburg, Mr. President.
Total 31

Noes: Aklestad, Crippen, Dover, Elliott, Etchart, Galt, Hammond, Johnson, Keating, Lee, Ochsner, O'Hara, Olson, Smith, Story, Tveit.
Total 16

Excused: Kolstad.
Total 1

Absent or not voting: Manley, Manning.
Total 2

Governor's Amendments to House Bill No. 34 were concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 47

Noes: None.
Total 0

Excused: Kolstad.
Total 1

Absent or not voting: Lee, Manley.
Total 2

Governor's Amendments to House Bill No. 38 were concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 45

Noes: Hammond.
Total 1

Excused: Kolstad.
Total 1

Absent or not voting: Keating, Lee, Manley.
Total 3

Governor's Amendments to House Bill No. 215 were concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Healy, Himsl, Jacobson, Johnson, Mazurek, McCallum, Nelson, Ochsner, O'Hara, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 40

Noes: None.
Total 0

Excused: Kolstad.
Total 1

Absent or not voting: Conover, Hammond, Hazelbaker, Keating, Lee, Manley, Manning, Norman, Olson.
Total 9

Governor's Amendments to House Bill No. 367 were concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 47

Noes: None.
Total 0

Excused: Kolstad.
Total 1

Absent or not voting: Lee, Manley.
Total 2

Governor's Amendments to House Bill No. 389 were concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 47

Noes: None.
Total 0

Excused: Kolstad.
Total 1

Absent or not voting: Lee, Manley.
Total 2

Governor's Amendments to House Bill No. 510 were concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Lee, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 45

Noes: None.
Total 0

Excused: Kolstad.

Total 1

Absent or not voting: Keating, Manley, Manning, Severson.
Total 4

The Conference Committee Report to Senate Bill No. 325 was adopted by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Lee, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Kolstad.
Total 1

Absent or not voting: Manley.
Total 1

The Conference Committee Report to House Bill No. 212 was adopted by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Lee, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Kolstad.
Total 1

Absent or not voting: Manley.
Total 1

The Conference Committee Report to House Bill No. 775 was adopted by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Lee, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Kolstad.
Total 1

Absent or not voting: Manley.
Total 1

The Free Conference Committee Report to House Bill No. 558 was adopted by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Lee, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Kolstad.
Total 1

Absent or not voting: Manley.
Total 1

The Free Conference Committee Report to House Bill No. 652 was adopted by the following vote:

Ayes: Aklestad, Anderson, S. Brown, Conover, Dover, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Lee, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Ryan, Severson, Stephens, Stimatz, Story, Thomas, Tveit, Mr. President.
Total 36

Noes: Berg, Blaylock, Boylan, B. Brown, Crippen, Eck, Halligan, Regan, Smith, Towe, Van Valkenburg.
Total 11

Excused: Kolstad.
Total 1

Absent or not voting: Hammond, Manley.
Total 2

The Free Conference Committee Report to House Bill No. 709 was adopted by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Lee, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 46

Noes: None.
Total 0

Excused: Kolstad.
Total 1

Absent or not voting: Hafferman, Manley, O'Hara.
Total 3

The Free Conference Committee Report to House Bill No. 9 was adopted by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 45

Noes: None.
Total 0

Excused: Kolstad.
Total 1

Absent or not voting: Keating, Lee, Manley, Ryan.
Total 4

The Free Conference Committee Report to House Bill No. 350 was adopted by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Lee, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Kolstad.
Total 1

Absent or not voting: Manley.
Total 1

At the request of the President, and without objection, the Senate reverted to Order of Business No. 2.

REPORTS OF STANDING COMMITTEES

EDUCATION AND CULTURAL RESOURCES (B. Brown, Chairman):
HJR 34, third reading copy, be amended as follows:

1. Title, line 7.
Strike: "THE REVENUE OVERSIGHT COMMITTEE TO"
Insert: "AN INTERIM"
Following: "~~OF~~"
Insert: "OF"

2. Page 3.
Following: line 12
Insert: "(2) That the study include a consideration of the relationship between the basic educational program established in the standards for accreditation and the foundation program amount."
Renumber: subsequent subsection

And, as so amended, be concurred in. Report adopted.

HJR 49, be concurred in. Report adopted.

I have examined Senate Bill No. 161 introduced by me and find the same to be correct. (Mazurek)

I have examined Senate Bill No. 210 introduced by me and find the same to be correct. (Goodover)

I have examined Senate Bill No. 253 introduced by me and find the same to be correct. (Regan)

I have examined Senate Bill No. 269 introduced by me and find the same to be correct. (Conover)

I have examined Senate Bill No. 322 introduced by me and find the same to be correct. (Halligan)

I have examined Senate Bill No. 409 introduced by me and find the same to be correct. (Manning)

I have examined Senate Bill No. 461 introduced by me and find the same to be correct. (Goodover)

PRINTING (O'Hara, Chairman):
Correctly printed and placed on the members' desks - SR 5. Report adopted.

BILLS (O'Hara, Chairman):
Signed by the Speaker of the House and President of the Senate, 4/22/81, at the hour of 2:45 p.m., delivered to the Governor for his approval - SB 49, SB 58, SB 78, SB 85, SB 152, SB 199, SB 361. Report adopted.

Signed by the Speaker of the House and President of the Senate, 4/22/81, at the hour of 4:30 p.m., delivered to the Governor for his approval - SB 161, SB 210, SB 253, SB 269, SB 322, SB 409, SB 461. Report adopted.

Correctly enrolled - SB 161, SB 210, SB 253, SB 269, SB 322, SB 409, SB 461. Report adopted.

The Senate will please take note that the President did, at the hour of 4:00 p.m., 4/22/81, sign the following bills:
SB 161, SB 210, SB 253, SB 269, SB 322, SB 409, SB 461, HB 18, HB 26, HB 63, HB 161, HB 200, HB 202, HB 209, HB 290, HB 301, HB 336, HB 390, HB 460, HB 488, HB 810, HB 834, HB 838, HB 846, HB 859, HB 861, HB 865, HJR 55, HJR 56, HJR 64, HJR 65, HJR 67.

Jean A. Turnage
President

REPORTS OF SELECT COMMITTEES

FREE CONFERENCE COMMITTEE ON SENATE BILL NO. 240
Report No. 1, April 21, 1981

MR. PRESIDENT AND SPEAKER OF THE HOUSE:

We, your Free Conference Committee on Senate Bill No. 240, met April 21, 1981, and considered:

House Judiciary Committee Amendments to the third reading copy, dated March 24, 1981, and recommend as follows:

That the House recede from Committee Amendment Nos. 1, 3, and 4;

That the Senate accede to Committee Amendment No. 2;

That Senate Bill No. 240 be further amended as specified in CLERICAL INSTRUCTION NO. 1;

That the reference copy of Senate Bill No. 240 read as specified in the CLERICAL INSTRUCTIONS;

And, that the Free Conference Committee Report on Senate Bill No. 240 be adopted.

CLERICAL INSTRUCTIONS:

1. Page 20, lines 19 through 22.
Following: "professional."
Strike: all underlined language
Insert: "The medical professional may review and interpret the information and at the request of the affected individual shall consult with the affected individual"

2. Page 26, lines 14 through 22.
Following: "professional"
Strike: all underlined language
Insert: all stricken language

3. Page 27, lines 1 through 5.
Following: "(2) (b)"
Insert: all stricken language

FOR THE SENATE:

Senator Hazelbaker, Chairman
Senator Anderson
Senator Norman

FOR THE HOUSE:

Representative Fabrega, Chairman
Representative Keedy
Representative Nordtvedt

Report adopted.

FREE CONFERENCE COMMITTEE
ON SENATE BILL NO. 243
Report No. 3, April 22, 1981

MR. PRESIDENT AND SPEAKER OF THE HOUSE:

We, your Free Conference Committee on Senate Bill No. 243, met April 22, 1981, and considered:

House Select Water Committee Amendment to the third reading copy, dated March 24, 1981, and;

House Committee of the Whole Amendments to the third reading copy, dated March 31, 1981, and recommend as follows:

That the Senate accede to Standing Committee Amendment Nos. 3, 4, 6, 7, 9, and 15, dated March 24, 1981;

That the House recede from Standing Committee Amendment Nos. 1, 2, 5, 8, 10 through 14, and 16 through 20;

That the House recede from Committee of the Whole Amendment Nos. 1 through 7;

That Senate Bill No. 243 be further amended as specified in CLERICAL INSTRUCTIONS NOS. 2, 4, 6, 17, 18, and 19;

That the reference copy of Senate Bill No. 243 read as specified in the CLERICAL INSTRUCTIONS;

And, that the Free Conference Committee Report on Senate Bill No. 243 be adopted.

CLERICAL INSTRUCTIONS:

1. Title, line 7.
Strike: "BOARD"
Insert: "DEPARTMENT"

2. Title, lines 10 and 11.
Following: "MCA,"
Strike: "UPON CONSENT OF THE LEGISLATURE AND"
Following: "MONTANA"
Insert: "; PROVIDING FOR LEGISLATIVE REVIEW; AND PROVIDING AN EFFECTIVE DATE"

3. Page 1, lines 20 and 21.
Following: "~~The~~"
Strike: "UPON APPROVAL BY THE LEGISLATURE, THE BOARD"
Insert: "The department"

4. Page 2, lines 1 through 3.
Following: "Dakota."
Strike: the remainder of Section 2
Insert: "Section 3. Legislative review. (1) A diversion of water from the basin pursuant to Article X of the compact consented to by the department under the provisions of [this act] may not be made until one of the following occurs, whichever is later:

(a) the legislature ratifies the first determination of the department to consent to a diversion of water from the basin pursuant to Article X of the compact; or

(b) July 1, 1983.

(2) A decision by the department to disapprove a diversion of water is not subject to legislative approval."
Renumber: subsequent sections

5. Page 2, line 9.
Strike: "BOARD"
Insert: "department"

6. Page 3, line 9.
Strike: "BOARD"
Insert: "department"

7. Page 3, line 19.
Strike: "BOARD"
Insert: "department"

8. Page 3, line 22.
Strike: "BOARD"
Insert: "department"

9. Page 5, line 6.
Strike: "BOARD"
Insert: "department"

10. Page 5, line 9.

Strike: "BOARD"
Insert: "department"

11. Page 5, line 16.
Strike: "CONTINGENT UPON APPROVAL BY THE LEGISLATURE, THE BOARD"
Insert: "The department"

12. Page 6, lines 23 and 24.
Strike: "BOARD"
Insert: "department"
Following: "approve"
Strike: ", CONTINGENT UPON LEGISLATIVE APPROVAL,"

13. Page 7, lines 6 and 7.
Strike: "BOARD"
Insert: "department"
Following: "approve"
Strike: ", CONTINGENT UPON LEGISLATIVE APPROVAL,"

14. Page 7, line 11.
Strike: "BOARD"
Insert: "department"

15. Page 7, line 21.
Strike: "BOARD"
Insert: "department"

16. Page 8, line 1.
Strike: "BOARD'S"
Insert: "department's"

17. Page 8, line 4.
Following: "the"
Strike: "board's"
Insert: "department's"

18. Page 8, lines 6 through 12.
Following: "20"
Strike: the remainder of Section 5
Insert: "The department's consent shall terminate 10 years after the date of issuance of the consent unless the board issues the certificate for the facility in accordance with Title 75, chapter 20 and approval of North Dakota and Wyoming is secured in accordance with Article X of the compact or unless consent is extended by the department."

19. Page 9, lines 10 and 11.
Insert: all stricken language

FOR THE SENATE:

Senator Dover, Chairman
Senator Graham
Senator Tveit

FOR THE HOUSE:

Representative Curtiss, Chairman
Representative Asay
Representative Shontz

Report adopted.

FREE CONFERENCE COMMITTEE
ON SENATE BILL NO. 286
Report No. 2, April 22, 1981

MR. PRESIDENT AND SPEAKER OF THE HOUSE:

We, your Free Conference Committee on Senate Bill No. 286, met April 22, 1981, and considered:

House Judiciary Committee Amendments to the third reading copy, dated March 25, 1981, and recommend as follows:

That the Senate accede to Committee Amendment Nos. 1 through 10;

That the reference copy of Senate Bill No. 286 remain unchanged;

And, that the Free Conference Committee Report to Senate Bill No. 286 be adopted.

FOR THE SENATE:

Senator Anderson, Chairman
Senator O'Hara
Senator Van Valkenburg

FOR THE HOUSE:

Representative Seifert, Chairman
Representative Curtiss
Representative Keedy

Report adopted.

FREE CONFERENCE COMMITTEE
ON SENATE BILL NO. 485
Report No. 1, April 22, 1981

MR. PRESIDENT AND SPEAKER OF THE HOUSE:

We, your Free Conference Committee on Senate Bill No. 485, met April 22, 1981, and considered:

House Judiciary Committee Amendments to the third reading copy, dated April 13, 1981; and

House Committee of the Whole Amendments to the third reading copy, dated April 17, 1981, and recommend as follows:

That the Senate accede to Standing Committee Amendment Nos. 1 through 3, dated April 13, 1981;

That the Senate accede to Committee of the Whole Amendment Nos. 1 through 6, dated April 17, 1981;

That Senate Bill No. 485 be further amended as specified in CLERICAL INSTRUCTION NO. 1;

That the reference copy of Senate Bill No. 485 read as specified in the CLERICAL INSTRUCTIONS;

And, that the Free Conference Committee Report on Senate Bill No. 485 be adopted.

CLERICAL INSTRUCTIONS:

1. Page 15, line 23.
Following: "exceed"
Strike: "$500"
Insert: "$1,500"

FOR THE SENATE:

Senator O'Hara, Chairman
Senator Berg
Senator B. Brown

FOR THE HOUSE:

Representative Anderson, Chairman
Representative Conn
Representative Keedy

Report adopted.

CONFERENCE COMMITTEE
ON HOUSE BILL NO. 580
Report No. 1, April 22, 1981

MR. PRESIDENT AND SPEAKER OF THE HOUSE:

We, your Conference Committee on House Bill No. 580, met April 21, 1981, and considered:

Senate Committee on State Administration Amendments to the third reading copy, dated April 14, 1981; and

Senate Committee of the Whole Amendment to the third reading copy, dated April 15, 1981, and recommend as follows:

That the Senate recede from Committee Amendment Nos. 1 through 15;

That the Senate recede from Committee of the Whole Amendment No. 1;

That the reference (engrossed) copy of House Bill No. 580 read as specified in the CLERICAL INSTRUCTIONS;

And, that the Conference Committee Report to House Bill No. 580 be adopted.

CLERICAL INSTRUCTIONS:

1. Page 4, line 5.
Following: "8"
Strike: "9"
Insert: "8"

FOR THE SENATE:

Senator Hazelbaker, Chairman
Senator Olson
Senator S. Brown

FOR THE HOUSE:

Representative Feda, Chairman
Representative Ryan
Representative Dussault

Report adopted.

FREE CONFERENCE COMMITTEE
ON HOUSE BILL NO. 646
Report No. 1, April 14, 1981

MR. PRESIDENT AND SPEAKER OF THE HOUSE:

We, your Free Conference Committee on House Bill No. 646, met April 14, 1981, and considered:

Senate Public Health, Welfare and Safety Committee Amendments to the third reading copy, dated March 26, 1981, and recommend as follows:

That the House accede to Committee Amendment Nos. 1 and 12, and Amendment Nos. 1 and 2 to the Statement of Intent;

That the Senate recede from Committee Amendment Nos. 2 through 11;

That House Bill No. 646 be further amended as specified in CLERICAL INSTRUCTIONS NOS. 7 through 28;

That the reference copy of House Bill No. 646 read as specified in the CLERICAL INSTRUCTIONS;

And, that the Free Conference Committee Report to House Bill No. 646 be adopted.

CLERICAL INSTRUCTIONS:

1. Page 3, lines 13 and 14.
Following: "basis"
Strike: the remainder of lines 13 and 14

2. Page 3, lines 17 and 18.
Following: "basis"
Strike: the remainder of lines 17 and 18

3. Page 5, line 6.
Following: "~~be~~"
Strike: "ARE NOT"
Insert: "must be"

4. Page 5, line 8.
Following: "~~IN~~"
Insert: "the manner provided for in department regulations in"

5. Page 13, lines 8 and 9.
Following: "family day-care home"
Strike: ", AS DEFINED IN 53-4-501,"

6. Page 16, line 3.
Following: "certificate"
Strike: "AS REQUIRED BY THIS PART,"

7. Statement of Intent, page 1, line 19.
Following: "homes"
Insert: "and group day-care homes"

8. Statement of Intent, page 2, line 9.
Following: "homes"
Insert: "and group day-care homes"

9. Statement of Intent, page 2, line 14.
Following: "(2)"
Strike: "Group day-care homes and"
Insert: "Day-care"

10. Title, line 10.
Following: "HOMES"
Insert: "AND GROUP DAY-CARE HOMES"

11. Page 3, line 20.
Following: "homes"
Insert: "and group day-care homes"

12. Page 3, line 22.
Following: "home"
Insert: "or a group day-care home"

13. Page 4, line 7.
Following: "homes"
Insert: "and group day-care homes"

14. Page 4, line 11.
Following: "centers"
Strike: "and group day-care homes"

15. Page 4, line 21.
Following: "center"
Strike: "or group day-care home, AS DEFINED IN 53-4-501,"

16. Page 4, line 25 and line 1, page 5.
Following: "home"
Strike: ", AS DEFINED IN 53-4-501,"
Insert: "group day-care home"

17. Page 5, line 1.
Following: "day-care"
Insert: "or group day-care"

18. Page 5, lines 19 and 20.
Following: "center"
Strike: "or group day-care homes, AS DEFINED IN 53-4-501,"

19. Page 6, lines 3 and 4.
Following: "home"
Strike: ", AS DEFINED IN 53-4-501,"
Insert: "or group day-care home"

20. Page 7, line 11.
Following: "centers"
Strike: "and group day-care homes"

21. Page 7, lines 15 and 16.
Following: "center"
Strike: "or group day-care home"

22. Page 8, line 9.
Following: "centers"
Strike: "and group day-care homes"

23. Page 8, line 14.
Following: "center"
Strike: "and GROUP home"

24. Page 8, line 21.
Following: "center"
Strike: "and GROUP home"

25. Page 8, line 24.
Following: "center"
Strike: "or group day-care home"

26. Page 10, line 13.
Following: "centers"
Strike: "and group day-care homes"

27. Page 12, line 7.
Following: "~~shall~~"
Strike: "facility"
Insert: "center"

28. Page 13, lines 3 and 4.
Following: "centers"
Strike: "and group day-care homes"

29. Page 13, line 12.
Following: "homes"
Insert: "and group day-care homes"

30. Page 18.
Following: line 10
Insert: "NEW SECTION. Section 18. Penalty. A person, group of persons or corporation who establishes or maintains a day-care center or assists in conducting or maintaining a day-care center without

first obtaining a license from the department as provided for in this part is guilty of a misdemeanor and upon conviction is punishable by a fine not to exceed $500."
Renumber: subsequent section

31. Page 18, line 11.
Strike: "SECTION"
Insert: "Sections"

32. Page 18, line 12.
Following: "~~and 18~~"
Insert: "and 18"

33. Page 18, line 14.
Following: "~~sections~~"
Strike: "SECTION"
Insert: "Sections"
Following: "~~and 18~~"
Insert: "and 18"

FOR THE SENATE:

Senator Hager, Chairman
Senator Berg
Senator Dover

FOR THE HOUSE:

Representative O'Hara, Chairman
Representative Andreason
Representative Dussault

Report adopted.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The House on 4/22/81, dissolved the Free Conference Committee, and the Speaker was authorized to appoint a new Free Conference Committee to confer on Senate Bill No. 243.

The Speaker appointed the following members:

Representative Curtiss, Chairman
Representative Asay
Representative Shontz

The following Governor's Amendments to Senate Bill No. 162 were on 4/22/81, concurred in on Third Reading, and returned to the Senate:

Governor's Amendments to Senate Bill No. 162 (88-7)

The House on 4/22/81, failed to concur in House Amendments to Senate Bill No. 485, and the Speaker was authorized to appoint a Free Conference Committee, and the House respectfully requests the Senate to appoint a like committee to confer on House Amendments to Senate Bill No. 485.

The Speaker appointed the following members:

Representative Anderson, Chairman
Representative Conn
Representative Keedy

The following Senate Joint Resolution was on 4/22/81, concurred in and returned to the Senate:

Senate Joint Resolution No. 35, introduced by Boylan (90-6)

The Governor's Amendments to the following House Bill were on 4/22/81, not concurred in on Third Reading, and transmitted to the Senate:

Governor's Amendments to House Bill No. 403

The following House Bill was on 4/22/81, passed and transmitted to the Senate for concurrence:

House Bill No. 876, introduced by Lund, Moore (90-5)

The following Senate Bills were on 4/22/81, concurred in as amended, and returned to the Senate for concurrence in House Amendments:

Senate Bill No. 337, introduced by Regan (89-6)

Senate Bill No. 355, introduced by Blaylock (75-22)

FIRST READING OF BILLS

The following House bill was introduced, read first time and referred to committee:

HB 876, introduced by Lund, Moore. Referred to Committee on State Administration.

At the request of the President, and without objection, the Senate reverted to Order of Business No. 6.

MOTIONS

Senator Keating moved, duly carried, that the Free Conference Committee appointed to confer on Senate Amendments to House Bill No. 652 be dissolved, and that the President be authorized to appoint a new Free Conference Committee.

The President appointed the following committee:

Senator Keating, Chairman
Senator Dover
Senator Van Valkenburg

Senator Dover moved that his vote on House Amendments to Senate Bill No. 200 be changed from "no" to "aye" on Third Reading this day. Motion carried by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Kolstad.
Total 1

Absent or not voting: None.
Total 0

Upon motion of Senator Stephens, duly carried, the Senate adjourned at 9:02 p.m. until Thursday, April 23, at the hour of 10:00 a.m.

JEAN A. TURNAGE
President of the Senate

JOHN W. LARSON
Secretary of the Senate

NINETIETH LEGISLATIVE DAY

Helena, Montana
April 23, 1981

Senate Chambers
Capitol Building

Senate convened at 10:00 a.m., President Turnage presiding. Invocation by the Chaplain. Pledge of Allegiance to the Flag.

Roll call. All members present except Kolstad, excused. Quorum present.

Mr. President: We, your Committee on Bills and Journal, having examined the daily journal for the Eighty-ninth Legislative Day, find the same to be correct.

O'HARA, Chairman

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following House Bill was on 4/23/81, passed as amended, and transmitted to the Senate for concurrence:

House Bill No. 73, introduced by Vincent (80-16)

The House on 4/22/81, authorized the Speaker to appoint a Conference Committee on Governor's Amendments to House Bill No. 179 to confer on amendments to House Bill No. 179.

The Speaker appointed the following members:

Representative Donaldson, Chairman
Representative Hurwitz
Representative Waldron

The House on 4/22/81, dissolved the new Conference Committee, and the Speaker was authorized to appoint a Free Conference Committee to confer on Senate Bill No. 483.

The Speaker appointed the following members:

Representative Fabrega, Chairman
Representative Nordtvedt
Representative Williams

The House on 4/22/81, dissolved the Conference Committee, and the Speaker was authorized to appoint a new Conference Committee to confer on Senate Bill No. 483.

The Speaker appointed the following members:

Representative Fabrega, Chairman
Representative Nordtvedt
Representative Williams

The House on 4/22/81, dissolved the Free Conference Committee, and the Speaker was authorized to appoint a new Free Conference Committee. The House respectfully requests the Senate to appoint a like committee to confer on Senate Amendments to House Bill No. 652.

The Speaker appointed the following members:

Representative Iverson, Chairman
Representative Keyser
Representative Conroy

The House on 4/22/81, dissolved the Free Conference Committee, and the Speaker was authorized to appoint a new Free Conference Committee. The

House respectfully requests the Senate to appoint a like committee to confer on Senate Amendments to House Bill No. 71.

The Speaker appointed the following members:

Representative Donaldson, Chairman
Representative Lory
Representative Keedy

The following Governor's Amendments to House Bills were on 4/23/81, concurred in on Third Reading, and transmitted to the Senate for concurrence:

Governor's Amendments to House Bill No. 97, introduced by Feda (85-7)

Governor's Amendments to House Bill No. 507, introduced by Azzara (86-9)

Governor's Amendments to House Bill No. 765, introduced by Donaldson (87-8)

The following Free Conference Committee Report was on 4/22/81, adopted on Third Reading:

Free Conference Committee Report to Senate Bill No. 257

The following Conference Committee Reports to House Bills were on 4/23/81, adopted on Third Reading:

Conference Committee Report to House Bill No. 212 (93-2)

Conference Committee Report to House Bill No. 580 (74-21)

The following Conference Committee Reports to Senate Bills were on 4/23/81, adopted on Third Reading:

Conference Committee Report to Senate Bill No. 325 (94-1)

Conference Committee Report to Senate Bill No. 286 (94-1)

The Senate Amendments to the following House Bills were on 4/23/81, concurred in on Third Reading:

Senate Amendments to House Bill No. 213, introduced by Keedy (92-2)

Senate Amendments to House Bill No. 835, introduced by O'Hara (89-5)

Senate Amendments to House Bill No. 872, introduced by Moore (83-12)

The following Governor's Amendments to Senate Bills were on 4/23/81, concurred in on Third Reading, and returned to the Senate:

Governor's Amendments to Senate Bill No. 150, introduced by Kolstad (82-10)

Governor's Amendments to Senate Bill No. 460, introduced by Graham (89-5)

Governor's Amendments to the following Senate Bills were on 4/22/81, concurred in on Third Reading, and transmitted to the Senate:

Senate Bill No. 367, introduced by Keating (75-18)

Senate Bill No. 426, introduced by Himsl (85-11)

The following Free Conference Committee Reports to House Bills were on 4/23/81, adopted on Third Reading:

Free Conference Committee Report to House Bill No. 350 (85-10)

Free Conference Committee Report to House Bill No. 558 (90-5)

Free Conference Committee Report to House Bill No. 646 (74-20)

Free Conference Committee Report to House Bill No. 709 (88-7)

The Free Conference Committee Report to the following Senate Bill was on 4/23/81, adopted on Third Reading:

Free Conference Committee Report to Senate Bill No. 485 (95-0)

The Senate Amendments to the following House Bills were on 4/22/81, concurred in on Third Reading:

Senate Amendments to House Bill No. 233, introduced by Moore (88-9)

Senate Amendments to House Bill No. 609, introduced by Fabrega (81-16)

Senate Amendments to House Bill No. 828, introduced by Fagg (81-16)

Governor's Amendments to the following House Bill were on 4/22/81, concurred in on Third Reading, and transmitted to the Senate:

Governor's Amendments to House Bill No. 372

MOTIONS

Senator Towe moved that House Bill No. 640 be taken from the Committee on Taxation and placed on Second Reading this day. Motion failed by the following vote:

Ayes: Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Eck, Graham, Haffey, Halligan, Hammond, Healy, Jacobson, Manning, Mazurek, Norman, Ochsner, Regan, Ryan, Severson, Stimatz, Thomas, Towe, Van Valkenburg.
Total 24

Noes: Aklestad, Anderson, Crippen, Dover, Elliott, Etchart, Galt, Goodover, Hafferman, Hager, Hazelbaker, Himsl, Johnson, Keating, Manley, McCallum, Nelson, O'Hara, Olson, Smith, Stephens, Story, Tveit, Mr. President.
Total 24

Excused: Kolstad.
Total 1

Absent or not voting: Lee.
Total 1

Senator Haffey moved that the Senate reconsider its action taken in adopting the Adverse Committee Majority Report on House Bill No. 873 and that House Bill No. 873 be placed on Second Reading this day. Motion carried by the following vote:

Ayes: Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Eck, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hazelbaker, Healy, Jacobson, Lee, Manning, Mazurek, Norman, Regan, Ryan, Stimatz, Thomas, Towe, Van Valkenburg.
Total 27

Noes: Aklestad, Anderson, Dover, Elliott, Etchart, Galt, Hammond, Himsl, Johnson, Keating, Kolstad, Manley, McCallum, Nelson, Ochsner, O'Hara, Olson, Severson, Smith, Stephens, Story, Tveit, Mr. President.
Total 23

Excused: None.
Total 0

Absent or not voting: None.
Total 0

(Including the following pair: S. Brown, aye - Kolstad, no.)

Senator Aklestad moved that House Bill No. 499 be taken from Third Reading and placed on Second Reading this day. Motion failed by the following vote:

Ayes: Aklestad, Boylan, B. Brown, Crippen, Elliott, Etchart, Galt, Goodover, Graham, Hammond, Johnson, Lee, Manley, Mazurek, McCallum, Ochsner, Olson, Ryan, Severson, Smith, Story, Tveit.
Total 22

Noes: Berg, Blaylock, S. Brown, Conover, Dover, Eck, Hafferman, Haffey, Hager, Halligan, Hazelbaker, Healy, Himsl, Jacobson, Keating, Manning, Nelson, Norman, O'Hara, Regan, Stephens, Stimatz, Thomas, Towe, Van Valkenburg, Mr. President.
Total 26

Excused: Kolstad.
Total 1

Absent or not voting: Anderson.
Total 1

(Including the following pairs: Smith, aye - Blaylock, no; Ochsner, aye - S. Brown, no.)

Senator Stephens moved, duly carried, that the new Conference Committee appointed to confer on House Amendments to Senate Bill No. 483 be dissolved, and that the President be authorized to appoint a Free Conference Committee.

The President appointed the following committee:

Senator B. Brown, Chairman
Senator Norman
Senator Turnage

Senator Haffey moved, duly carried, that the House be requested to return House Bill No. 873 for further consideration.

Senator Story moved, duly carried, that House Bill No. 876 be taken from the Committee on State Administration and placed on Second Reading this day.

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Galt in the Chair.

Senate resumed. President Turnage in the Chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on Second Reading, recommend as follows:

That House Joint Resolution No. 34 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: Hafferman.
Total 1

Excused: Kolstad.
Total 1

Absent or not voting: None.
Total 0

That House Joint Resolution No. 49 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Kolstad.
Total 1

Absent or not voting: None.
Total 0

That House Amendments to Senate Bill No. 337 be not concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Kolstad.
Total 1

Absent or not voting: None.
Total 0

That House Amendments to Senate Bill No. 355 be concurred in by the following vote:

Ayes: Anderson, Berg, Blaylock, B. Brown, S. Brown, Conover, Crippen, Eck, Galt, Goodover, Hafferman, Haffey, Hager, Halligan, Hazelbaker, Healy, Jacobson, Johnson, Manning, Mazurek, McCallum, Norman, O'Hara, Regan, Ryan, Stephens, Stimatz, Thomas, Towe, Van Valkenburg.
Total 30

Noes: Aklestad, Dover, Elliott, Etchart, Keating, Lee, Manley, Ochsner, Olson, Severson, Smith, Story.
Total 12

Excused: Kolstad.
Total 1

Absent or not voting: Boylan, Graham, Hammond, Himsl, Nelson, Tveit, Mr. President.
Total 7

That the Free Conference Committee Report on Senate Bill No. 286 be adopted by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Tveit, Van Valkenburg, Mr. President.
Total 47

Noes: Ryan, Towe.
Total 2

Excused: Kolstad.
Total 1

Absent or not voting: None.
Total 0

That the Free Conference Committee Report on Senate Bill No. 240 be adopted by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Kolstad.
Total 1

Absent or not voting: None.
Total 0

That the Free Conference Committee Report on Senate Bill No. 243 be adopted by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Kolstad.
Total 1

Absent or not voting: None.
Total 0

That the Free Conference Committee Report on Senate Bill No. 485 be adopted by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Kolstad.
Total 1

Absent or not voting: None.
Total 0

That the Conference Committee Report on House Bill No. 580 be adopted by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Kolstad.
Total 1

Absent or not voting: None.
Total 0

That the Free Conference Committee Report on House Bill No. 646 be adopted by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Kolstad.
Total 1

Absent or not voting: None.
Total 0

That the Governor's Amendments to House Bill No. 403 be not concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Kolstad.
Total 1

Absent or not voting: None.
Total 0

That the Committee rise and report and beg leave to sit again. (Galt, Chairman)

That the Free Conference Committee Report on Senate Bill No. 243 be segregated from the Committee of the Whole Report. Motion failed by the following vote:

Ayes: Anderson, Crippen, Dover, Etchart, Galt, Goodover, Hammond, Johnson, Keating, Lee, McCallum, Nelson, Olson, Stephens, Story.
Total 15

Noes: Aklestad, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Eck, Elliott, Graham, Hafferman, Haffey, Hager, Halligan, Hazelbaker, Healy, Himsl, Jacobson, Manning, Mazurek, Norman, Ochsner, Regan, Ryan, Smith, Stimatz, Thomas, Towe, Tveit, Van Valkenburg.
Total 30

Excused: Kolstad.
Total 1

Absent or not voting: Manley, O'Hara, Severson, Mr. President.
Total 4

Upon motion of Senator Galt, duly carried, the foregoing Report of the Committee of the Whole was adopted.

At the request of the President, and without objection, the Senate reverted to Order of Business No. 5.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

Senate Amendments to the following House Bill were on 4/23/81, not concurred in on Third Reading:

Senate Amendments to House Bill No. 33, introduced by Azzara

Senate Amendments to the following House Joint Resolution were on 4/23/81, not concurred in on Third Reading:

Senate Amendments to House Joint Resolution No. 52, introduced by Sivertsen

The Governor's Amendments to the following House Bill were on 4/23/81, not concurred on Third Reading, and said bill was transmitted to the Senate:

Governor's Amendments to House Bill No. 702

MOTIONS

Senator Stephens moved, duly carried, that the Senate recess at the hour of 11:45 a.m. until the hour of 2:00 p.m.

At the request of the President, and without objection, the Senate reverted to Order of Business No. 3.

REPORTS OF SELECT COMMITTEES

FREE CONFERENCE COMMITTEE
ON HOUSE BILL NO. 611
Report No. 1, April 23, 1981

MR. PRESIDENT AND SPEAKER OF THE HOUSE:

We, your Free Conference Committee on House Bill No. 611, met April 23, 1981, and considered:

Senate Finance and Claims Committee Amendments to the third reading copy, dated March 13, 1981, and;

Senate Committee of the Whole Amendments to the third reading copy, dated March 13, 1981, and recommend as follows:

That the Senate recede from Committee of the Whole Amendment No. 1;

That the Senate recede from Senate Finance and Claims Committee Amendment Nos. 1, 2, and 3;

That the reference copy of House Bill No. 611 read as specified in the CLERICAL INSTRUCTIONS;

And, that the Free Conference Committee Report to House Bill No. 611 be adopted.

CLERICAL INSTRUCTIONS:

1. Page 1, line 17 through line 11, on page 2.
Following: "Appropriation."
Strike: the remainder of line 17 through line 11 on page 2
Insert: "All revenues received under the provisions of 20-9-343 for state equalization aid are appropriated to the superintendent of

public instruction for the biennium ending June 30, 1983 for public school support other than for special education.

Section 2. Contingency Appropriation. There is appropriated from the general fund $32,000,000 for the biennium ending June 30, 1983 to be used to the extent funds appropriated in section 1 are insufficient to finance the maximum-budget-without-a-vote for public schools excluding special education."

FOR THE SENATE:

Senator Himsl, Chairman
Senator Boylan
Senator Hammond

FOR THE HOUSE:

Representative Donaldson, Chairman
Representative Bengtson
Representative Anderson

Report adopted.

MOTIONS

Senator Stephens moved, duly carried, that the Senate request the return from the House of House Bill No. 563, and that it be placed on Third Reading this day.

Senator Story moved, duly carried, that House Bill No. 666 be placed at the bottom of the board.

At the request of the President, and without objection, the Senate reverted to Order of Business No. 2.

REPORTS OF STANDING COMMITTEES

COMMITTEE ON COMMITTEES (Galt, Chairman):
Does hereby appoint to the WATER RESOURCES OVERSIGHT COMMITTEE upon approval of House Bill No. 874:

Tom Hager
Mark Etchart

Lawrence G. Stimatz
Paul F. Boylan

Report adopted.

April 23, 1981

John W. Larson
Secretary of the Senate
Capitol Building
Helena, Montana 59620

Dear Secretary Larson:

The following members are hereby appointed to the Select Legislative Committee on Indian Affairs as provided by House Joint Resolution No. 62:

Harold C. Nelson

Larry J. Tveit

Carroll Graham

Max Conover

Sincerely,

J. A. Turnage,
President of the Senate

COMMITTEE ON COMMITTEES (Galt, Chairman):

Does hereby appoint to the COAL TAX OVERSIGHT SUBCOMMITTEE OF THE REVENUE OVERSIGHT COMMITTEE upon approval of Senate Bill No. 487:

Roger H. Elliott Dave Manning

Report adopted.

Does hereby appoint to the WESTERN STATES LEGISLATIVE FORESTRY TASK FORCE COMMITTEE:

Elmer D. Severson

Report adopted.

LEGISLATIVE ADMINISTRATION (McCallum, Vice-Chairman):

SR 4, be adopted. Report adopted.

SR 6, introduced bill, be amended as follows:

1. Page 1, line 23.
Following: "RESOLVED,"
Insert: "that the Sergeant-at-Arms of the Senate shall inventory all of the items of furniture in each individual office and committee room of the Senate and"

2. Page 2, line 2.
Following: "interim"
Strike: "."
Insert: "; and"

3. Page 2, line 3.
Following: line 2
Insert: "BE IT FURTHER RESOLVED, that a copy of this Resolution shall be delivered to the Director of the Department of Administration, as a formal request of the Senate, that the Senate furniture remain locked in the rooms during the interim."

And, as so amended, be adopted. Report adopted.

REPORTS OF SELECT COMMITTEES

FREE CONFERENCE COMMITTEE
ON SENATE BILL NO. 42
Report No. 2, April 22, 1981

MR. PRESIDENT AND SPEAKER OF THE HOUSE:

We, your Free Conference Committee on Senate Bill No. 42, met April 22, 1981, and considered:

House Committee of the Whole Amendments to the third reading copy, dated April 4, 1981, and recommend as follows:

That the House recede from Committee of the Whole Amendment Nos. 1 through 6;

That Senate Bill No. 42 be further amended as specified in CLERICAL INSTRUCTIONS NOS. 1 through 17;

That the reference copy of Senate Bill No. 42 read as specified in the CLERICAL INSTRUCTIONS;

And, that the Free Conference Committee Report to Senate Bill No. 42 be adopted.

CLERICAL INSTRUCTIONS:

1. Title, line 4.
Following: "INCREASE THE"
Strike: "PENALTY"
Insert: "INTEREST"

2. Title, line 6.
Following: "~~5/6 OF~~"
Insert: "5/6 OF"
Following: "PERCENT PER MONTH"
Insert: "FOR THE FIRST $3,000 PER TAXPAYER OF EACH YEAR'S DELINQUENT TAXES AND 1 PERCENT PER MONTH FOR EACH YEAR'S DELINQUENT TAXES IN EXCESS OF $3,000 PER TAXPAYER"

3. Page 1, line 19.
Following: "and"
Insert: ": (i)"

4. Page 1, line 20.
Following: "of ~~5/6 of~~"
Insert: ": (A) 5/6 of 1% per month from and after such delinquency on the first $3,000 per taxpayer of each year's tax delinquency; and

(B)"

5. Page 1, line 21.
Following: "delinquency"
Insert: "on each year's tax delinquency in excess of $3,000 per taxpayer;"
Following: "and"
Insert: "(ii)"
Following: "added to the"
Strike: "amount thereof"
Insert: "delinquent taxes"

6. Page 2, line 1.
Following: "and"
Insert: ": (i)"

7. Page 2, line 2.
Following: "~~5/6 OF~~"
Insert: ": (A) 5/6 of 1% per month from and after such delinquency on the first $3,000 per taxpayer of each year's tax delinquency; and

(B)"

8. Page 2, line 3.
Following: "delinquency"
Insert: "on each year's tax delinquency in excess of $3,000 per taxpayer;"
Following: "and"
Insert: "(ii)"
Following: "added to the"
Strike: "amount thereof"
Insert: "delinquent taxes"

9. Page 3, line 14.
Following: "and"

Insert: ": (a)"

10. Page 3, line 15.
Following: "~~5/6 OF~~"
Insert: ": (i) 5/6 of 1% per month from and after such delinquency on the first $3,000 per taxpayer of each year's tax delinquency until paid; and

(ii)"

11. Page 3, line 16.
Following: "until paid"
Insert: "on each year's tax delinquency in excess of $3,000 per taxpayer;"
Following: "and"
Insert: "(b)"

12. Page 3, line 17.
Following: line 16
Strike: "amount thereof"
Insert: "delinquent taxes"

13. Page 3, line 19.
Following: "and"
Insert: ": (a)"

14. Page 3, line 20.
Following: "~~5/6 OF~~"
Insert: ": (i) 5/6 of 1% per month from and after such delinquency on the first $3,000 per taxpayer of each year's tax delinquency on the first $3,000 per taxpayer of each year's tax delinquency until paid; and

(ii)"

15. Page 3, line 21.
Following: "until paid"
Insert: "on each year's tax delinquency in excess of $3,000 per taxpayer;"
Following: "and"
Insert: "(b)"

16. Page 3, line 22.
Following: "the"
Strike: "amount thereof"
Insert: "delinquent taxes"

17. Page 4, line 6.
Following: "~~5/6 OF~~"
Insert: "5/6 OF"
Following: "month"
Insert: "on the first $3,000 per taxpayer of each year's delinquent taxes and 1% per month on each year's delinquent taxes in excess of $3,000 per taxpayer"

FOR THE SENATE:

Senator McCallum, Chairman
Senator S. Brown
Senator Norman

FOR THE HOUSE:

Representative Nordtvedt, Chairman
Representative Bardanouve
Representative Burnett

Report adopted.

CONFERENCE COMMITTEE
ON HOUSE AMENDMENTS TO SENATE BILL NO. 77
Report No. 1, April 22, 1981

MR. PRESIDENT AND SPEAKER OF THE HOUSE:

We, your Conference Committee on Senate Bill No. 77, met April 22, 1981, and considered:

House Taxation Committee Amendments to the third reading copy, dated April 10, 1981, and recommend as follows:

That the House recede from Committee Amendment Nos. 1 and 2;

That the reference copy of Senate Bill No. 77 read as specified in the CLERICAL INSTRUCTIONS;

And, that the Conference Committee Report on Senate Bill No. 77 be adopted.

CLERICAL INSTRUCTIONS:

1. Title, lines 6 and 7.
Following: "EXTEND"
Strike: "UNTIL JUNE 30, 1983,"

2. Page 2, line 1.
Strike: this line in its entirety

FOR THE SENATE:

Senator Himsl, Chairman
Senator Olson
Senator Van Valkenburg

FOR THE HOUSE:

Representative Nordtvedt, Chairman
Representative Fabrega
Representative Williams

Report adopted.

FREE CONFERENCE COMMITTEE
ON SENATE BILL NO. 129
Report No. 1, April 22, 1981

MR. PRESIDENT AND SPEAKER OF THE HOUSE:

We, your Free Conference Committee on Senate Bill No. 129, met April 22, 1981, and considered:

House Business and Industry Committee Amendments to the third reading copy, dated March 25, 1981, and recommend as follows:

That the House recede from Committee Amendment Nos. 1 through 4, and 6 through 10;

That the Senate accede to Committee Amendment No. 5;

That Senate Bill No. 129 be further amended as specified in CLERICAL INSTRUCTIONS NOS. 5 through 8;

That the reference copy of Senate Bill No. 129 read as specified in the CLERICAL INSTRUCTIONS;

And, that the Free Conference Committee Report on Senate Bill No. 129 be adopted.

CLERICAL INSTRUCTIONS:

1. Page 7, line 3 through page 9, line 24.
Strike: Section 4 in its entirety

Renumber: subsequent sections

2. Page 10, line 25 through page 13, line 25.
Strike: Sections 6 through 11 in their entirety
Renumber: subsequent sections

3. Page 14, line 12 through page 17, line 9.
Strike: Section 13 in its entirety
Renumber: subsequent sections

4. Page 18, line 18 through page 21, line 16.
Strike: Sections 15 through 20 in their entirety
Renumber: subsequent sections

5. Page 21, line 23 through page 22, line 7.
Strike: Section 22 in its entirety
Renumber: subsequent section

6. Page 5, line 24.
Following: "~~or~~"
Strike: "after reducing"
Insert: "during his employment notwithstanding any reduction of"

7. Page 14, line 7.
Following: "~~or~~"
Strike: "after reducing"
Insert: "during his employment notwithstanding any reduction of"

8. Page 21.
Following: line 16
Insert: "NEW SECTION. Section 7. Pre-existing conditions. The converted policy may not exclude, as a pre-existing condition, any conditions covered by the group contract.

NEW SECTION. Section 8. Insured's family — conversion entitlement. Subject to the conditions set forth in this section, the conversion privilege is also available:

(1) to the surviving spouse, if any, at the death of the employee or member, with respect to the spouse and such children whose coverage under the group policy terminates by reason of such death, otherwise to each surviving child whose coverage under the group policy terminates by reason of such death, or if the group policy provides for continuation of dependent's coverage following the employee's or member's death, at the end of such continuation;

(2) to the spouse of the employee or member upon termination of coverage of the spouse, by reason of ceasing to be a qualified family member under the group policy, while the employee or member remains under the group policy, including such children whose coverage under the group policy terminates at the same time; or

(3) to a child solely with respect to himself upon termination of his coverage by reason of ceasing to be a qualified family member under the group policy, if a conversion privilege is not otherwise provided above with respect to such termination.

NEW SECTION. Section 9. Applicability. Notwithstanding any provision of Title 33 or other law to the contrary, it shall be lawful for an insurer and insured to agree to any terms in an insurance contract that provides more favorable terms for the benefit of the insured than authorized in Title 33 or other provisions of law.

NEW SECTION. Section 10. Codification instruction. Sections 3 through 9 shall apply only to disability insurers and health service corporations."

Renumber: subsequent section

FOR THE SENATE:

Senator Hager, Chairman
Senator Norman
Senator Turnage

FOR THE HOUSE:

Representative Jensen, Chairman
Representative Pavlovich
Representative Wallin

Report adopted.

FREE CONFERENCE COMMITTEE
ON HOUSE BILL NO. 652
Report No. 3, April 21, 1981

MR. PRESIDENT AND SPEAKER OF THE HOUSE:

We, your Free Conference Committee on House Bill No. 652, met April 21, 1981, and considered:

Senate Committee on Natural Resources Amendments dated March 26, 1981;

Senate Committee on Natural Resources Amendments on the Statement of Intent, dated March 25, 1981;

Senate Committee of the Whole Amendments dated March 31, 1981, and recommend as follows:

Having had under consideration Senate Committee on Natural Resources Amendments dated March 26, 1981;

That the House accede to Amendment Nos. 1 through 6;

Having had under consideration Senate Committee on Natural Resources Amendments on the Statement of Intent, dated March 25, 1981;

That the House accede to Amendment Nos. 1 through 4;

Having had under consideration Senate Committee of the Whole Amendments dated March 31, 1981;

That the House accede to Amendment Nos. 1 through 3;

And, that the Free Conference Committee Report on House Bill No. 652 be adopted.

And further, that House Bill No. 652, reference bill, be amended as follows:

CLERICAL INSTRUCTIONS:

1. Title, line 13.
Strike: "INSTEAD"
Following: "A"
Strike: "STATE"

2. Title, line 17.
Following: "AND"
Strike: "TO REVISE"
Insert: "REVISING"

3. Title, lines 18 and 19.
Following: "75-3-103"

Strike: "AS AMENDED BY INITIATIVE 84"

4. Title, lines 19 and 20.
Following: "75-3-302"
Strike: "AS AMENDED BY INITIATIVE 84"

5. Title, lines 20 and 21.
Following: "75-3-303"
Strike: "AS AMENDED BY INITIATIVE 84"

6. Title, line 21.
Following: "INITIATIVE 84;"
Strike: "AND"

7. Title, line 22.
Following: "AN"
Strike: "IMMEDIATE"
Following: "DATE"
Insert: ";"

8. Page 16, line 21 through line 8 on page 17.
Following: the first "material" on line 21
Strike: the remainder of line 21 through line 8 on page 17
Insert: ", high-level radioactive material, byproduct material as defined in section 75-3-103(1)(a), or special nuclear material, within the state of Montana. Byproduct material (except large quantity radioactive material) possessed, used, and transported for educational purposes; scientific research and development; medical research, diagnosis, and treatment; geophysical surveying, and similar uses licensed by the United States nuclear regulatory commission or the department are exempt from this section.

(2) Notwithstanding subsection (1) of this section, the disposal in Montana of byproduct material, as defined in section 75-3-103(1)(b), produced in Montana, is authorized if done pursuant to a license issued by the United States or by the department.

(3) For purposes of subsection (1) of this section "radioactive material" means any material, or combination of materials, which spontaneously emits ionizing radiation and for which a specific license is required by the United States or by the department.

(4) For purposes of subsection (1) of this section, disposal of large quantity radioactive material means the disposal from a single shipment, container, or vehicle of a quantity of radioactive material that would exceed the limits specified in 49 C.F.R. 173.389.

(5) For purposes of subsection (1), "high-level radioactive material" means radioactive material consisting of spent nuclear fuel or the highly radioactive waste resulting from the reprocessing of spent nuclear fuel."
Renumber: subsequent subsections

9. Page 22, line 14.
Following: "SECTION"
Strike: "19"
Insert: "18"

10. Page 22, lines 15 and 16.
Following: "EFFECTIVE"
Strike: "OR SHALL BE REPLACED BY THE PROVISIONS OF INITIATIVE 84"

11. Page 22, lines 21 through 25.
Strike: lines 21 through 25 in their entirety
Insert: "

☐ FOR allowing disposal in Montana of uranium mill tailings as an exception to the ban on disposal of radioactive waste and providing a regulatory system.

☐ AGAINST allowing disposal in Montana of uranium mill tailings as an exception to the ban on disposal of radioactive waste and providing a regulatory system."

FOR THE SENATE:	FOR THE HOUSE:
Senator Keating, Chairman	Representative Iverson, Chairman
Senator Dover	Representative Conroy
Senator Van Valkenburg	Representative Keyser

Report adopted.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The House on 4/23/81, acceded to the request of the Senate and returned the following House Bill to the Senate for further consideration:

House Bill No. 873, introduced by Menahan

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Galt in the Chair.

Senate resumed. President Turnage in the Chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on Second Reading, recommend as follows:

That the Free Conference Committee Report on House Bill No. 611 be adopted by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Kolstad.
Total 1

Absent or not voting: None.
Total 0

That House Bill No. 868 be amended. Motion failed by the following vote:

Ayes: Aklestad, Boylan, Conover, Eck, Graham, Haffey, Healy, Jacobson, Lee, Manley, Manning, Ochsner, Ryan, Severson, Stimatz, Towe, Van Valkenburg.
Total 17

Noes: Anderson, Berg, Blaylock, B. Brown, S. Brown, Crippen, Dover, Elliott, Etchart, Galt, Goodover, Hafferman, Hager, Halligan, Hammond, Hazelbaker, Himsl, Johnson, Keating, Mazurek, McCallum, Nelson, Norman, O'Hara, Olson, Regan, Smith, Stephens, Story, Thomas, Mr. President.
Total 31

Excused: Kolstad.
Total 1

Absent or not voting: Tveit.
Total 1

That House Bill No. 868 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Lee, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Van Valkenburg, Mr. President.
Total 45

Noes: Elliott, Manley.
Total 2

Excused: Kolstad.
Total 1

Absent or not voting: Hammond, Tveit.
Total 2

That House Bill No. 869 be amended as follows:

1. Title, line 17.
Following: "FROM"
Insert: "THAT PORTION OF THE GENERAL FUND WHICH IS RECEIVED FROM THE INCOME FROM"

2. Page 3, line 23.
Following: "from"
Strike: "the PRINCIPAL OF"
Insert: "that portion of the general fund which is received from the income from"

Amendments passed by the following vote:

Ayes: Berg, Blaylock, Boylan, S. Brown, Conover, Eck, Goodover, Graham, Haffey, Hager, Halligan, Hazelbaker, Healy, Jacobson, Lee, Mazurek, Norman, O'Hara, Regan, Ryan, Stephens, Stimatz, Thomas, Towe, Van Valkenburg.
Total 25

Noes: Aklestad, Anderson, B. Brown, Crippen, Dover, Elliott, Etchart, Galt, Hafferman, Hammond, Himsl, Johnson, Keating, Manley, Manning, McCallum, Nelson, Ochsner, Olson, Severson, Smith, Story, Mr. President.
Total 23

Excused: Kolstad.
Total 1

Absent or not voting: Tveit.
Total 1

That House Bill No. 869, as amended, be concurred in by the following vote:

Ayes: Anderson, Berg, Blaylock, Boylan, S. Brown, Conover, Eck, Galt, Goodover, Graham, Haffey, Halligan, Hazelbaker, Healy, Jacobson, Lee, Manning, Mazurek, Nelson, Norman, O'Hara, Regan, Ryan, Stephens, Stimatz, Thomas, Towe, Van Valkenburg.
Total 28

Noes: Aklestad, B. Brown, Crippen, Dover, Elliott, Etchart, Hafferman, Hager, Hammond, Himsl, Johnson, Keating, Manley, McCallum, Ochsner, Olson, Severson, Smith, Story, Mr. President.
Total 20

Excused: Kolstad.
Total 1

Absent or not voting: Tveit.
Total 1

That House Bill No. 876 be concurred in by the following vote:

Ayes: Aklestad, Berg, Blaylock, Boylan, B. Brown, Conover, Dover, Eck, Elliott, Galt, Goodover, Graham, Hafferman, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Johnson, Keating, Manning, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Story, Thomas, Towe.
Total 36

Noes: Anderson, S. Brown, Crippen, Etchart, Haffey, Healy, Lee, Mazurek, Stimatz, Van Valkenburg, Mr. President.
Total 11

Excused: Kolstad.
Total 1

Absent or not voting: Manley, Tveit.
Total 2

That the Committee rise and report and beg leave to sit again. (Galt, Chairman)

That House Bill No. 869 be segregated from the Committee of the Whole Report.

A Call of the Senate was requested by Senator Stephens, sufficient seconds being shown.

Sufficient progress having been made by the following roll call vote, the call was lifted:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Van Valkenburg, Mr. President.
Total 46

Noes: Lee, Manley.
Total 2

Excused: Kolstad.
Total 1

Absent or not voting: Tveit.
Total 1

Motion to segregate House Bill No. 869 from the Committee of the Whole Report failed by the following vote:

Ayes: Aklestad, Anderson, B. Brown, Crippen, Dover, Elliott, Etchart, Hafferman, Hager, Himsl, Johnson, Keating, Manley, McCallum, Ochsner, Olson, Severson, Smith, Story, Tveit, Mr. President.
Total 21

Noes: Berg, Blaylock, Boylan, S. Brown, Conover, Eck, Galt, Goodover, Graham, Haffey, Halligan, Hammond, Hazelbaker, Healy, Jacobson, Lee, Manning, Mazurek, Nelson, Norman, O'Hara, Regan, Ryan, Stephens, Stimatz, Towe, Van Valkenburg.
Total 27

Excused: Kolstad.
Total 1

Absent or not voting: Thomas.
Total 1

(Including the following pair: Tveit, aye - Goodover, no.)

Upon motion of Senator Galt, duly carried, the foregoing Report of the Committee of the Whole was adopted.

At the request of the President, and without objection, the Senate reverted to Order of Business No. 6.

MOTIONS

Senator Stephens moved, duly carried, that the Senate recess at the hour of 3:57 p.m. until the hour of 4:10 p.m.

Senator Stephens moved, duly carried, that the President be authorized to appoint a Free Conference Committee to confer on House Amendments to Senate Bill No. 337.

The President appointed the following committee:

Senator B. Brown, Chairman
Senator Hazelbaker
Senator Regan

At the request of the President, and without objection, the Senate reverted to Order of Business No. 2.

REPORTS OF STANDING COMMITTEES

COMMITTEE ON COMMITTEES (Galt, Chairman):
Does hereby appoint to the CAPITOL BUILDING AND PLANNING COMMITTEE upon approval of House Bill No. 872:

S. A. Olson	Max Conover
Jan Johnson	Carroll Graham
Pete Story	Chet Blaylock

Report adopted.

REPORTS OF SELECT COMMITTEES

FREE CONFERENCE COMMITTEE
ON SENATE BILL NO. 483
Report No. 2, April 23, 1981

MR. PRESIDENT AND SPEAKER OF THE HOUSE:

We, your Free Conference Committee on Senate Bill No. 483, met April 23, 1981, and considered:

House Taxation Committee Amendments to the third reading copy, dated April 2, 1981, and;

House Committee of the Whole Amendments to the third reading copy, dated April 6, 1981, and recommend as follows:

That the Senate accede to Standing Committee Amendment Nos. 1 through 12, 14, and 15, dated April 2, 1981;

That the House recede from Standing Committee Amendment No. 13, dated April 2, 1981;

That the House recede from Committee of the Whole Amendment Nos. 1 and 2, dated April 6, 1981;

That Senate Bill No. 483 be further amended as specified in CLERICAL INSTRUCTION NO. 3;

That the reference copy of Senate Bill No. 483 read as specified in the CLERICAL INSTRUCTIONS;

And, that the Free Conference Committee Report on Senate Bill No. 483 be adopted.

CLERICAL INSTRUCTIONS:

1. Page 10, lines 21 and 22.
Following: "him"
Strike: "EACH YEAR THAT A CHANGE IN CLASSIFICATION OR APPRAISED VALUE OCCURS"

2. Page 12, lines 9 through 16.
Following: "courts."
Strike: all underlined language

3. Page 10, line 23.
Following: "~~thereon~~."
Insert: "For all notices mailed to taxpayers prior to January 1, 1986, the notice shall contain a statement to the effect that a taxpayer who receives a taxable valuation on his residential, commercial, or industrial real property and improvements in excess of 5% of what the taxpayer believes to be the current market value may wish to consider appealing the market value, as determined by the department, to the county tax appeal board. The statement should make it clear to the taxpayer that there is no guarantee of success on appeal because the 5% figure is exceeded and that each appeal is considered on a case-by-case basis."

FOR THE SENATE:

Senator B. Brown, Chairman
Senator Norman
Senator Turnage

FOR THE HOUSE:

Representative Fabrega, Chairman
Representative Nordtvedt
Representative Williams

Report adopted.

CONFERENCE COMMITTEE
ON SENATE AMENDMENTS TO HOUSE BILL NO. 17
Report No. 1, April 23, 1981

MR. PRESIDENT AND SPEAKER OF THE HOUSE:

We, your Conference Committee on House Bill No. 17, met April 23, 1981, and considered:

Senate Taxation Standing Committee Amendments to the third reading copy, dated March 26, 1981, and recommend as follows:

That the House accede to Senate Standing Committee Amendment Nos. 1, 2, 4, and 5;

That the Senate recede from Committee Amendment No. 3;

That the reference copy of House Bill No. 17 read as specified in the CLERICAL INSTRUCTIONS;

And, that the Conference Committee Report to House Bill No. 17 be adopted.

CLERICAL INSTRUCTIONS:

1. Page 1, line 15 through page 4, line 20.
Strike: Sections 1 and 2 in their entirety
Renumber: subsequent sections

FOR THE SENATE:

Senator Elliott, Chairman
Senator Crippen
Senator S. Brown

FOR THE HOUSE:

Representative Nordtvedt, Chairman
Representative Burnett
Representative Neuman

Report adopted.

FREE CONFERENCE COMMITTEE
ON HOUSE BILL NO. 500
Report No. 2, April 23, 1981

MR. PRESIDENT AND SPEAKER OF THE HOUSE:

We, your Free Conference Committee on House Bill No. 500, met April 22 and 23, 1981, and considered:

That the reference copy of House Bill No. 500 read as specified in the CLERICAL INSTRUCTIONS;

And, that the Free Conference Committee Report to House Bill No. 500 be adopted.

CLERICAL INSTRUCTIONS:

1. Page 2.
Following: line 22
Insert: "(2) A budget amendment may be approved to spend money in the earmarked revenue fund only if the approving authority certifies that an emergency justifies the expenditure."

Page 3, line 2.
Following: "~~(3)~~"
Strike: "(2)"
Insert: "(3)"

2. Page 4, line 24.
Following: "CONGRESS"
Insert: "enacted subsequent to April 1, 1981 and specifically designated as a block grant"

3. Page 7, line 6.

Following: line 5
Insert: "Section 16. Coal tax trust income. Interest income from the coal tax constitutional trust fund established under Article IX, Section 5 of the Montana Constitution is hereby appropriated to the general fund for use during the biennium ending June 30, 1983. The portion of the general fund which represents this appropriation is appropriated to the school foundation program in HB 611 ($16,000,000), the long-range building bond proceeds and insurance clearance account in HB 666 ($16,469,324), and to the department of commerce in HB 500, items 4, 5, 6 and 8 ($1,580,676)."
Renumber: subsequent sections

4. Page 8, line 1.
Strike: "1,879,829"
Insert: "1,905,829"

Page 8, line 7.
Strike: "331,710"
Insert: "347,710"

5. Page 8, line 5.
Following: "commission,"
Insert: "coal tax oversight subcommittee,"

6. Page 8.
Following: line 8
Insert: "The 1982 appropriation for the legislative council contains $6,000 in general fund for the coal tax oversight subcommittee. This biennial appropriation is contingent upon passage of SB 487."

7. Page 8, line 16.
Strike: "1,024,592 1,015,135"
Insert: "990,113 980,656"

8. Page 9, line 11.
Strike: "3,035,275 227,543 3,233,482 349,762"
Insert: "3,000,796 227,543 3,199,003 349,762"

9. Page 10, line 2.
Strike: "83,248 89,568"
Insert: "59,378 65,698"

10. Page 10.
Following: line 14
Insert: "12. Contingency - Vacancy Savings 1,600,000"

11. Page 10, line 16.
Strike: "2,074,534 150,000 2,029,373 100,000"
Insert: "3,650,664 150,000 2,005,503 100,000"

12. Page 10.
Following: line 21
Insert: "Item 12, a biennial appropriation, is solely for instructional faculty salaries in the six college and university units and shall only be expended if vacancy savings are not realized. As a further condition precedent to the expenditure of this item 12 appropriation, any of the said agencies requesting any portion of said appropriation shall submit a verified request therefore which request shall be verified by the president of the requesting agency and supported by evidence itemized and detailed establishing, to the satisfaction of the Governor, that the requesting agency is entitled to a portion of said

funds. The request and supporting documentation must be submitted by March 15, of each fiscal year and shall be subject to the conditions herein set forth. The Governor shall respond with his decision by April 15, of each fiscal year.

The above agencies shall, by July 1 of each fiscal year, submit for the current unrestricted subfund a detailed list of all FTE, faculty positions, each individual salary and total budgeted benefits. The list shall equal total compensation at 100 percent excluding critical area faculty salary adjustment funds appropriated in this act for personal services. This total compensation figure may not from any individual agency be 3.6 percent greater than the operating budget for personal services for such agency. The list shall have at least these sections. Section 1 shall detail the positions which are eligible for the contingency vacancy savings appropriation. Any salary increases granted after this list is submitted will not be reimbursed from the vacancy savings fund. Section 2 shall detail all other staff. Section 3 shall detail by position the allocation of the critical area faculty salary adjustment funds.

In the event any such request is submitted and the Governor shall find that the requesting agency has satisfied all the requirements and conditions herein set forth, the Governor may issue his approval for expenditure of the said contingency - vacancy funds.

If the Governor should determine, in his discretion, that any requesting agency has not satisfied the conditions of item 12 relating to a request for a portion of this appropriation, he may deny such request and such denial shall constitute final agency action."

13. Page 12, line 25.
Strike: "7,939,873 8,286,861 7,504,634 8,465,477"
Insert: "7,826,540 8,213,221 7,428,170 8,391,837"

14. Page 14, line 1.
Strike: "46,000"
Insert: "42,000"

15. Page 14.
Following: line 1
Insert:

"12. a. SB 466	-0-	3,750	-0-	-0
b. HB 364	5,000	-0-	5,000	-0
c. HB 389	-0-	5,000	-0-	5,000"

16. Page 14, line 5.
Strike: "8,755,482 8,314,074 8,316,644 8,470,477"
Insert: "8,643,149 8,249,184 8,245,180 8,401,837"

17. Page 15.
Following: line 7
Insert: "Amounts in item 12 are contingent upon passage of the noted bills."

18. Page 17, line 22.
Strike: "FOR ALL OPERATIONAL SYSTEMS"

Page 17, line 23.
Strike: "ties directly to the 1985 biennium budget request."
Insert: "is detailed by year, project phase and fund."

19. Page 19, line 18.

Strike: "12,340,311 12,490,050"
Insert: "12,380,311 12,500,050"

Page 19.
Following: line 25
Insert: "5. SB 50 40,000 -0- 10,000 -0-"

Page 20, line 2.
Strike: "12,579,529 12,764,153"
Insert: "12,619,529 12,774,153"

Page 21.
Following: line 19
Insert: "Item 5 is contingent upon passage of SB 50."

20. Page 21, line 23.
Strike: "4,258,015 14,147,280 4,289,068 14,384,282"
Insert: "4,231,557 14,120,573 4,260,356 14,354,970"

21. Page 22, line 15.
Strike: "500,000 500,000"
Insert: "375,000 375,000"

22. Page 22, lines 16 and 17.
Strike: lines 16 and 17 in their entirety

Page 22, line 18.
Strike: "11."
Insert: "10."

Page 22, line 21.
Strike: "12."
Insert: "11."

23. Page 22.
Following: line 23
Insert: "12. General Services - Additional Buildings
-0- 200,845 -0- 205,500"

24. Page 22.
Following: line 23
Insert: "13. Rent - Transferred Divisions
26,458 26,707 28,712 29,312"

25. Page 23, line 1.
Strike: "5,084,515 5,053,068"
Insert: "4,959,515 4,928,068"

26. Page 23, line 2.
Strike: "19,338,142 19,346,972"
Insert: "19,508,954 19,524,029"

27. Page 24, line 25.
Strike: "ITEM 9 PROVIDES FOR EMERGENCY FUNDING OF THE DISTRICT"

Page 25, line 1.
Strike: "COURTS, AS DEFINED IN HB 300"

Page 24.
Following: line 24
Insert: "Item 9 provides for emergency funding of the district courts in those instances when a court incurs extraordinary expenses due to an extended criminal case or state government-related suits in

Lewis and Clark county. These funds shall not be used for usual court operations or additional social service programs.

Emergency funds to Lewis and Clark county for state government-related suits will not exceed ten percent above the revenue collected through the six-mill levy."

28. Page 25.
Following: line 5
Insert: "Item no. 10 is contingent upon passage of HB 372.

Item no. 11 is contingent upon passage of HB 674.

Item no. 12 is contingent upon the purchase of additional buildings, as referred to in HB 666, and the assumption of related maintenance duties by the department. The amount of funds spent shall be prorated, based on the remaining portion of the fiscal year."

29. Page 25.
Following: line 5
Insert: "Item 13 contains the spending authority necessary to fund the lease agreement and other related costs for those divisions located in the building at 1424 Ninth Avenue. When this building is purchased by the state and maintenance responsibilities are assumed, all of the remaining funds in item 13, except for the pro-rated remaining portion of the annual charge of $3.02 per square foot in fiscal 1982 and $3.09 per square foot in fiscal 1983 that the department of administration shall charge for rent and repair expenses, shall revert."

30. Page 25.
Following: line 5
Insert: "The accountant added in item 11 is for this biennium only."

31. Page 26, line 2.
Strike: "38,755,374 38,974,095"
Insert: "40,125,692 38,729,282"

Page 26, line 3.
Strike: "237,424,001 242,898,886"
Insert: "237,529,923 243,007,303"

32. Page 26.
Following: line 14
Insert: "3. Subdivisions Bureau -0- 79,856 -0- 79,856"

Page 26, line 16.
Strike: "17,342,157 18,094,644"
Insert: "17,422,013 18,174,500"

Page 26.
Following: line 16
Insert: "In item 3, $39,928 each year is contingent upon legislative approval of the governor's amendment to HB 179."

33. Page 27, line 13.
Strike: "15,331,458"
Insert: "15,435,596"

34. Page 27, line 15.
Strike: "806,399 768,886"
Insert: "906,149 861,886"

35. Page 27, line 16.

Strike: "4,953,432"
Insert: "5,369,986"

36. Page 27, line 20.
Strike: "1,616,834 1,606,734 22,055,080"
Insert: "1,716,584 1,699,734 22,575,772"

37. Page 27.
Following: line 23
Insert: "No funds may be used for a women's bureau."

38. Page 28.
Following: line 20
Insert: "7. HB 258 53,865 100,035 53,865 100,035"

Page 28, line 22.
Strike: "24,512,691 25,379,598"
Insert: "24,612,726 25,479,633"

Page 28, line 23.
Strike: "82,289,835 31,813,553"
Insert: "82,343,700 31,867,418"

39. Page 30.
Following: line 8
Insert: "The department shall monitor and assess the activities of the area agencies on aging for implementation of the department-approved area plans for aging services and shall report to the legislative finance committee, no later than sixty (60) days prior to the beginning of the 48th legislative session, the extent to which the area agencies have complied with the area plans and the extent to which the area agencies have cooperated with the local government funding sources."

40. Page 32.
Following: line 5
Insert: "The funding of item 7 is contingent upon passage and approval of HB 258."

41. Page 32.
Following: line 5
Insert: "The day-care rate per day for homes is not to exceed $6.00 in fiscal 1982 and $6.50 in fiscal 1983. The rate per day is not to exceed $7.00 in fiscal 1982 and $7.50 in fiscal 1983 for day-care centers."

42. Page 32, line 13.
Strike: "87,013,588 63,329,748 36,545,291 65,529,322"
Insert: "87,167,203 63,509,639 36,692,156 66,229,905"

43. Page 35, line 4.
Strike: "237,906 253,460"
Insert: "254,775 269,329"

44. Page 35, line 18.
Strike: "20,346 21,787"
Insert: "21,979 23,420"

45. Page 35, line 21.
Strike: "12,415 13,090"
Insert: "13,220 13,895"

46. Page 35, line 24.

Strike: "95,640 99,626"
Insert: "97,550 101,536"

47. Page 36, line 2.
Strike: "29,863 31,916"
Insert: "31,231 33,284"

48. Page 36, line 8.
Strike: "5,138 5,424"
Insert: "5,238 5,524"

49. Page 36, line 14.
Strike: "3,724 4,036"
Insert: "5,321 5,633"

50. Page 36, line 17.
Strike: "68,830 72,701"
Insert: "72,367 77,488"

51. Page 36, line 20.
Strike: "12,236 13,125"
Insert: "13,886 14,975"

52. Page 36, line 23.
Strike: "136,889 141,562"
Insert: "141,249 145,922"

53. Page 37, line 10.
Strike: "80,753 84,239"
Insert: "83,173 86,659"

54. Page 37, line 13.
Strike: "62,040 63,976"
Insert: "62,565 64,501"

55. Page 37, line 25.
Strike: "18,367 19,537"
Insert: "18,667 19,837"

56. Page 38, line 3.
Strike: "18,258 19,306"
Insert: "18,333 19,381"

57. Page 38, line 6.
Strike: "9,873 11,249"
Insert: "11,301 12,677"

58. Page 38, line 15.
Strike: "6,291 6,804"
Insert: "6,791 7,304"

59. Page 38, line 18.
Strike: "7,092 7,631"
Insert: "7,342 7,881"

60. Page 38, line 21.
Strike: "8,151 8,635"
Insert: "8,901 9,385"

61. Page 39, line 2.
Strike: "4,673 4,978"
Insert: "4,973 5,278"

62. Page 39, line 5.

Strike: "23,135,839 23,097,016"
Insert: "23,176,216 23,137,843"

63. Page 40, lines 6 through 9.
Strike: lines 6 through 9 in their entirety

64. Page 40.
Following: line 9
Insert: "Those divisions and bureaus of the department of commerce that are moved from private to state owned office space shall revert the resulting savings in rent, utilities, taxes and other expenses."

65. Page 43, line 6.
Strike: line 6 in its entirety
Insert: "176,000 60,259 175,000 47,991"

66. Page 43, lines 11 and 12.
Strike: lines 11 and 12 in their entirety
Insert: "913,169 8,254,396 892,917 8,657,192"

67. Page 44, line 24.
Strike: "201,353 202,377"
Insert: "441,953 477,377"

68. Page 45, line 8.
Strike: "425,945 430,225"
Insert: "329,795 350,105"

69. Page 45, lines 13 and 14.
Strike: lines 13 and 14 in their entirety
Insert: "6,398,331 12,188,756 6,340,248 12,133,308"

70. Page 46, line 25.
Strike: line 25 in its entirety

71. Page 47, line 1.
Strike: line 1 in its entirety

72. Page 47, line 4.
Strike: "55,505 47,510"
Insert: "19,310 19,310"

73. Page 47, lines 10 and 11.
Strike: lines 10 and 11 in their entirety

74. Page 47, line 15.
Strike: line 15 in its entirety
Insert: "12,922,392 65,345,376 12,835,003 65,941,548"

75. Page 47, line 24.
Strike: "248,157 246,713"
Insert: "237,041 235,510"

Page 47, line 26.
Strike: "194,600 1,364,785 204,235 1,310,907"
Insert: "194,239 1,348,521 203,871 1,294,514"

Page 48, line 3.
Strike: "3,608,423 3,722,557"
Insert: "3,297,327 3,423,996"

Page 48, line 6.
Strike: "831,726 835,090"
Insert: "797,596 800,690"

Page 48, line 8.
Strike: "541,026 546,162"
Insert: "535,536 540,629"

Page 48, line 10.
Strike: "3,963,494 4,358,850"
Insert: "3,957,049 4,352,354"

Page 48.
Following: line 12
Insert: "7. Building Space
76,713 21,754 77,318 21,926"

76. Page 48.
Following: line 12
Insert: "8. Women's Correctional Facility
$840,000 -0- -0- -0-"

77. Page 48, line 16.
Strike: "8,846,400 9,383,590"
Insert: "9,399,965 9,109,884"

78. Page 49, line 4.
Strike: "#3"
Insert: "#8"

79. Page 49.
Following: line 5
Insert: "Item 7 contains spending authority necessary to fund the lease agreement and other related costs for the central offices of the department of institutions. When this building is purchased by the state, all appropriated funds in item 7 except $3.02 per square foot in fiscal 1982 and $3.09 per square foot in fiscal 1983 in proportion to the time period remaining each fiscal year shall revert."

80. Page 49.
Following: line 5
Insert: "Item 8 and the amount appropriated in HB 666 for Spruce cottage is for the purpose of obtaining, through use of a state facility, or lease or purchase of a private facility, and the necessary renovation of such facility to house 20 female offenders. This appropriation also includes the operating budget for such facility.

The director of the department of institutions shall attempt to find a suitable facility for the housing of female offenders prior to the special session of the legislature or February, 1982, whichever comes first. If such facility is found, the office of budget and program planning and the legislative finance committee shall approve of the site and the facility.

The department shall give an estimate of the biennium cost for the operation of such facility to the legislative finance committee and the office of budget and program planning. If the operational costs will exceed the appropriation in item 8 plus any pay plan funds allocated for the biennium, the department, with concurrence of the legislative finance committee, shall request an appropriation to cover the excess cost from the special session of the legislature or the 1983 legislative session in the event there is no special session.

If a facility cannot be secured by the beginning of the special session, the department of institutions shall present to the special session of the legislature for their consideration a complete detailed

proposal for the site, facility, and total cost of housing 20 female offenders for the remainder of the 1983 biennium."

81. Page 53, line 9.
Strike: "105,242 107,106"
Insert: "100,242 102,106"

Page 53, line 13.
Strike: "107,242 107,106"
Insert: "102,242 102,106"

82. Page 53, line 15.
Following: "appropriations"
Insert: "or budget amendments from unanticipated funds"

83. Page 53, line 22.
Strike: "1,843,892 1,848,118"
Insert: "1,653,652 1,653,996"

84. Page 55.
Following: line 5
Insert: "Corrections Division 22,401 25,090"

85. Page 55, line 9.
Strike: "48,769,024 49,673,053"
Insert: "49,317,589 49,394,347"

86. Page 60, line 4.
Strike: "1,683,647 3,220,444 1,708,467 3,293,951"
Insert: "1,566,750 3,209,704 1,577,805 3,286,040"

Page 60.
Following: line 15
Insert: "7. Building Space 116,897 10,740 130,662 7,911"

Page 60.
Following: line 24
Insert: "Item 7 contains the spending authority necessary to fund the lease agreement and other related costs of the office of public instruction building at 1300 Eleventh Avenue. When this building is purchased by the state all appropriated funds in item 7 except $3.02 per square foot in fiscal 1982 and $3.09 per square foot in fiscal 1983 in proportion to the time period remaining each fiscal year shall revert."

87. Page 67, line 3.
Strike: "1,714,510 1,561,193 1,677,118 1,685,545"
Insert: "1,644,433 1,631,270 1,607,040 1,755,623"

88. Page 67, line 9.
Strike: "10,968,095 10,792,293"
Insert: "10,754,709 10,587,516"

Page 67, line 25.
Strike: "19,738,089 20,142,209"
Insert: "19,524,703 19,937,432"

Page 68, line 7.
Strike: "8,977,386 8,934,188"
Insert: "8,773,903 8,732,602"

Page 68, line 23.
Strike: "17,134,569 17,533,654"

Insert: "16,931,086 17,332,068"

Page 69, line 7.
Strike: "2,995,440 2,868,499"
Insert: "2,876,473 2,754,541"

Page 69, line 21.
Strike: "6,440,142 6,109,874"
Insert: "6,321,175 5,995,916"

Page 70, line 4.
Strike: "1,853,487 1,833,423"
Insert: "1,784,498 1,767,099"

Page 70, line 18.
Strike: "3,288,962 3,333,609"
Insert: "3,219,973 3,267,285"

Page 71, line 2.
Strike: "773,383 761,322"
Insert: "730,977 720,410"

Page 71, line 14.
Strike: "1,803,624 1,843,735"
Insert: "1,761,218 1,802,823"

Page 71, line 21.
Strike: "1,661,769 1,709,818"
Insert: "1,648,006 1,695,835"

Page 72, line 12.
Strike: "3,439,258 3,794,018"
Insert: "3,425,495 3,780,035"

89. Page 72, line 22.
Strike: "65,460,325 37,989,118 66,749,201 40,832,237"
Insert: "64,729,254 38,059,195 66,037,583 40,902,315"

90. Page 73, line 3.
Strike: "293,384,342 419,693,573 247,055,104 431,425,325"
Insert: "294,805,799 420,118,245 246,061,712 432,417,030"

EXPLANATION OF CONFERENCE COMMITTEE REPORT ON HOUSE BILL NO. 500

Boiler Plate

1. Language which allowed earmarked revenue funds to be budget amended was reinstated. There must be an emergency to have an earmarked revenue fund budget amendment.

2. Language was added to clarify that only newly defined block grants received by Montana subsequent to April 1, 1981 would require a special session.

3. Language is added to insure that income from the coal tax constitutional trust is deposited in the general fund and that such income be designated for expenditure within the school foundation program, the long range building program, and the department of commerce. Respective amounts are noted in the language.

Legislative Council

4. The committee added $10,000 of general fund in 1982 for an Indian jurisdiction study and $6,000 for a coal tax oversight committee. Language

was adjusted in order to make these amounts a biennial appropriation. The committee also added $10,000 of general fund in 1982 for dues to the western conference of the council of state governments so that the state may participate in a proposed land study.

5. Language is added to include the coal tax oversight committee as a biennial appropriation.

6. Contingency language is included to insure that funds for the coal tax oversight committee are expended only if SB 487 passes.

Judiciary

7. Two law clerks were deleted for a savings in general fund of $34,479 per year.

8. Amend totals.

Governor's Office

9. A grade 17 attorney, added in the legal jurisdiction program, was deleted for a general fund savings of $23,870 per year.

10. A general fund biennial appropriation of $1.6 million is added as a contingency for vacancy savings for university faculty.

11. Amend totals.

12. See number 10.

Justice

13. Four highway patrolmen and related support costs were deleted. This action results in a general fund savings of $75,755 in 1982 and $31,338 in 1983 and a highway earmarked savings of $73,640 per year. The appropriation for the antitrust bureau was reduced to $100,000 per year, causing a general fund savings of $41,578 in 1982 and $45,126 in 1983. One secretary position was deleted.

14. The equipment line item was reduced to reflect reduction in highway patrolmen as detailed in number 13.

15. Funds were added to cover the fiscal impact of specific bills. These amounts of $5,000 per year in general fund and $13,750 in other funds are contingent upon passage of the related bills.

16. Amend totals.

17. See number 15.

Highways

18. Language was altered to clarify expectations of the department's budget justification for the coming legislature.

Revenue

19. General fund of $40,000 and $10,000 was added to help fund salary increases of assessors and chief deputies as established by SB 50.

Department of Administration

20. Rent adjustment - Office space rent and related expenses of those divisions transferred from the department of community affairs (DCA) are line-itemed. Language is included to insure that any savings incurred at such a time when the state purchases the DCA building and consequently assumes maintenance responsibilities, will be reverted.

21. Emergency district court funding was reduced to $375,000 per year for a savings in general fund of $250,000 for the biennium. Language was included to insure that such funds are expended only as specified by the legislature.

22. Earmarked funding was reduced by $30,033 in 1982 and $28,443 in 1983. The line-item, which was added as a result of HB 330 that authorizes the securities lending program, provided an additional two accounting technicians.

23. General services - Additional revolving fund spending authority of $200,845 in 1982 and $205,500 in 1983 is added so that the division may pay utilities and provide maintenance and repair services for those additional buildings that will be purchased under HB 666. Since a date for the purchase is unknown, language is included to clarify legislative intent that these funds may be used only when the purchase is finalized.

24. See number 20.

25. Amend totals.

26. Amend totals.

27. See number 21.

28. Contingency language is included to insure that designated funds are expended only if the respective bills are passed and signed into law. Also see number 23.

29. See number 20.

30. Language is included to insure that the accountant added for the public employees' retirement system is for this biennium only.

31. Amend Section A totals.

Health Department

32. Spending authority totalling $159,712 for the biennium was included for the subdivision bureau due to the passage of HB 179. Language was included to limit the spending authority to $79,856 over the biennium if the governor's amendments are not accepted by the legislature.

Labor and Industry

33. Spending authority totalling $104,138 in fiscal 1983 was included for bond payments for two job service offices of the employment security division.

34. General fund totalling $99,750 in fiscal 1982 and $93,000 in fiscal 1983 is added to fund increased payments to silicotic victims and spouses as established in HB 290.

35. Spending authority totalling $416,554 in fiscal 1983 was included for bond payments of the new workers' compensation building.

36. Amend totals.

37. Language was inserted to insure that no funds will be used to continue the women's bureau.

Department of Social and Rehabilitation Services

38. The conference committee added $53,865 general fund per year and $100,035 federal funds per year to fund HB 258, a pilot work program for AFDC recipients (aid to families with dependent children).

39. Language was included to have SRS monitor and assess area agencies on aging and report the findings to the legislative finance committee.

40. See writeup for number 38.

41. Language was inserted to identify day-care reimbursement rates for day-care homes and centers.

42. Amend totals.

Department of Commerce

43. through 61. Adjusts various professional licensing board appropriations in consideration of various bills that have passed adding members, changing board compensation, changing inspection and training responsibilities and publishing biennial activity reports.

62. Amend totals.

63. Eliminates language requiring the rail-planning unit to contract with the public service commission for rail inspection services.

64. Requires the department of commerce to revert any money saved in rent, utilities and building maintenance expense categories because of moving from privately owned to publicly owned buildings.

Department of State Lands

65. Replaces $351,000 of resource indemnity trust fund interest with general fund. Prior to this change the trust fund was over appropriated by $350,876.

66. Amend totals.

Department of Natural Resources

67. Passage of HB 223 earmarks one-tenth of the coal severance tax previously designated for alternative energy development grants for distribution to conservation districts. The amendment adds redesignated funds of $240,600 in fiscal 1982 and $275,000 in fiscal 1983 to the conservation district supervision appropriation.

68. Federal funds for institutional building energy retrofit grants are being reduced. The state general fund match for program administration can also be reduced accordingly. The amendment reduces general fund appropriations by $96,150 and $80,150 in fiscal 1982 and 1983 respectively.

69. Amend totals.

Public Service Commission

70. through 73. Eliminates rail inspection position added to provide staff for an intended contract with the rail-planning unit of the department of commerce.

74. Amend Section totals.

Institutions

75. Rent was line-itemed in anticipation of the department of institutions building being purchased by the state.

76. Funding of a women's correctional facility was removed from the corrections division and line-itemed. The amendment increases general fund by $279,859 for the 1983 biennium.

77. Amend total general fund appropriation to the department of institutions for increased funding of women's correctional program.

78. Change reference number from 3 to 8 for women's correctional program.

79. See number 75.

80. Boiler plate language for women's correctional program.

81. Removed $5,000 per year of out-of-state travel from board of pardons. Out-of-state parole hearings will be conducted by state of incarceration.

82. Language was added to allow personal services boiler plating to be increased by budget amendments from unanticipated funds.

83. Removed personal services for women's correctional program from corrections division boiler plating.

84. Utilities for the corrections division are included in the boiler plate language.

85. Amend totals.

Office of Public Instruction

86. The state is going to purchase the building currently being used by the office of public instruction at 1300 11th Avenue. A line-item was added to identify the rent budgeted for the office of public instruction so rent funds would revert after the building is purchased.

Higher Education

87. This amendment reduces state funding for AGNET by $140,155 and increases user funding by an equal amount.

88. These amendments allow for payment of college and university summer school faculty as .22 FTE which is current policy. HB 500 prior to this amendment counts summer school faculty as .33 FTE.

89. Amend totals.

90. Amend totals.

FOR THE SENATE:

Senator E. Smith, Chairman
Senator Stephens
Senator Regan

FOR THE HOUSE:

Representative Moore, Chairman
Representative Conroy
Representative Cozzens

Report adopted.

MESSAGES FROM THE GOVERNOR

April 23, 1981

The Honorable Jean Turnage
President of the Senate
State Capitol
Helena, Montana 59620

Dear Mr. President:

This is to inform you that I have signed the following measures this date:

Senate Bill Nos. 362, 229, 409, 19, 17, 15.

Sincerely,

TED SCHWINDEN
Governor

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The House on 4/23/81, acceded to the request of the Senate for the return of the following House Bill for further consideration:

House Bill No. 563, introduced by Bardanouve

The Senate Amendments to the following House Bill were on 4/23/81, concurred in on Third Reading:

Senate Amendments to House Bill No. 429, introduced by Vincent (73-26)

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Galt in the Chair.

Senate resumed. President Turnage in the Chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on Second Reading, recommend as follows:

That Senate Resolution No. 4 be adopted by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Kolstad.
Total 1

Absent or not voting: None.
Total 0

That Senate Resolution No. 6 be adopted by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Kolstad.
Total 1

Absent or not voting: None.
Total 0

That the Conference Committee Report on Senate Bill No. 77 be adopted by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Kolstad.
Total 1

Absent or not voting: None.
Total 0

That the Free Conference Committee Report on Senate Bill No. 42 be adopted by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Kolstad.
Total 1

Absent or not voting: None.
Total 0

That the Free Conference Committee Report on Senate Bill No. 129 be adopted by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Kolstad.
Total 1

Absent or not voting: None.

Total 0

That the Free Conference Committee Report on House Bill No. 652 be adopted by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Kolstad.
Total 1

Absent or not voting: None.
Total 0

That the Governor's Amendments to House Bill No. 97, without objection, be placed at the bottom of the board.

That the Governor's Amendments to House Bill No. 372 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Lee, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: Manley.
Total 1

Excused: Kolstad.
Total 1

Absent or not voting: None.
Total 0

That the Governor's Amendments to House Bill No. 507 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Lee, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: Manley.
Total 1

Excused: Kolstad.
Total 1

Absent or not voting: None.
Total 0

That the Governor's Amendments to House Bill No. 702 be not concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Kolstad.
Total 1

Absent or not voting: None.
Total 0

That the Governor's Amendments to House Bill No. 765 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Lee, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: Manley.
Total 1

Excused: Kolstad.
Total 1

Absent or not voting: None.
Total 0

That the Governor's Amendments to House Bill No. 97 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Kolstad.
Total 1

Absent or not voting: None.

Total 0

That House Bill No. 873 be concurred in by the following vote:

Ayes: Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Eck, Galt, Goodover, Hafferman, Haffey, Hager, Halligan, Hazelbaker, Healy, Jacobson, Lee, Manning, Mazurek, Norman, Ochsner, Regan, Ryan, Stimatz, Thomas, Towe.
Total 27

Noes: Aklestad, Anderson, Dover, Elliott, Etchart, Hammond, Himsl, Johnson, Keating, McCallum, Nelson, O'Hara, Olson, Stephens, Story, Tveit.
Total 16

Excused: Kolstad.
Total 1

Absent or not voting: Graham, Manley, Severson, Smith, Van Valkenburg, Mr. President.
Total 6

That the Committee rise and report and beg leave to sit again. (Galt, Chairman)

Upon motion of Senator Galt, duly carried, the foregoing Report of the Committee of the Whole was adopted.

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Galt in the Chair.

Senate resumed. President Turnage in the Chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on Second Reading, recommend as follows:

That House Bill No. 666 be amended. Motion failed by the following vote:

Ayes: Berg, Blaylock, S. Brown, Conover, Galt, Hafferman, Hazelbaker, Himsl, Jacobson, Regan, Ryan, Severson, Stephens, Stimatz, Thomas, Mr. President.
Total 16

Noes: Aklestad, Anderson, Boylan, B. Brown, Crippen, Dover, Eck, Elliott, Etchart, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Healy, Johnson, Keating, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Smith, Story, Towe, Tveit, Van Valkenburg.
Total 33

Excused: Kolstad.
Total 1

Absent or not voting: None.
Total 0

That House Bill No. 666 be amended as follows:

1. Page 6, lines 9 and 10.
Insert: all stricken language

Amendment passed by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Kolstad.
Total 1

Absent or not voting: None.
Total 0

That House Bill No. 666 be amended. Motion failed by the following vote:

Ayes: Aklestad, Anderson, B. Brown, Crippen, Dover, Elliott, Goodover, Graham, Hafferman, Hager, Healy, Himsl, Keating, Lee, Manley, Mazurek, McCallum, Nelson, Ochsner, Olson, Severson, Smith, Story, Tveit.
Total 24

Noes: Berg, Blaylock, S. Brown, Conover, Eck, Etchart, Galt, Haffey, Halligan, Hammond, Hazelbaker, Jacobson, Johnson, Manning, Norman, O'Hara, Regan, Ryan, Stephens, Stimatz, Thomas, Towe, Van Valkenburg, Mr. President.
Total 24

Excused: Kolstad.
Total 1

Absent or not voting: Boylan.
Total 1

That House Bill No. 666 be amended. Motion failed by the following vote:

Ayes: Dover, Hager, Johnson, Keating, McCallum, Nelson, Ochsner, Olson, Regan, Smith, Story, Towe.
Total 12

Noes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Lee, Manley, Manning, Mazurek, Norman, O'Hara, Ryan, Severson, Stephens, Stimatz, Thomas, Tveit, Van Valkenburg.
Total 36

Excused: Kolstad.
Total 1

Absent or not voting: Mr. President.
Total 1

That House Bill No. 666 be amended. Motion failed by the following vote:

Ayes: Anderson, Berg, Boylan, Dover, Elliott, Haffey, Halligan, Hazelbaker, Healy, Jacobson, Johnson, Lee, Manley, Mazurek, Norman, Ochsner, O'Hara, Ryan, Stimatz, Tveit, Van Valkenburg.

Total 21

Noes: Aklestad, Blaylock, B. Brown, S. Brown, Conover, Crippen, Eck, Etchart, Galt, Goodover, Graham, Hafferman, Hager, Hammond, Himsl, Keating, Nelson, Olson, Regan, Severson, Smith, Stephens, Story, Towe.
Total 24

Excused: Kolstad.
Total 1

Absent or not voting: Manning, McCallum, Thomas, Mr. President.
Total 4

That House Bill No. 666 be amended. Motion failed by the following vote:

Ayes: Aklestad, Anderson, Dover, Graham, Hager, Johnson, Keating, Manley, Ochsner, O'Hara, Olson, Smith, Story, Tveit, Mr. President.
Total 15

Noes: Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Eck, Elliott, Etchart, Galt, Goodover, Hafferman, Halligan, Hazelbaker, Healy, Himsl, Jacobson, Mazurek, Nelson, Norman, Regan, Severson, Stephens, Stimatz, Thomas, Towe, Van Valkenburg.
Total 28

Excused: Kolstad.
Total 1

Absent or not voting: Haffey, Hammond, Lee, Manning, McCallum, Ryan.
Total 6

That House Bill No. 666 be amended as follows:

1. Page 12, lines 1 through 3.
Strike: Section 12 in its entirety
Renumber: subsequent section

Amendment passed by the following vote:

Ayes: Berg, Blaylock, S. Brown, Conover, Crippen, Dover, Eck, Etchart, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hazelbaker, Healy, Jacobson, Mazurek, Norman, Regan, Ryan, Severson, Thomas, Towe, Van Valkenburg.
Total 25

Noes: Aklestad, Anderson, Boylan, B. Brown, Elliott, Hafferman, Himsl, Johnson, Keating, Lee, Manley, Ochsner, O'Hara, Olson, Smith, Stephens, Stimatz, Story, Tveit, Mr. President.
Total 20

Excused: Kolstad.
Total 1

Absent or not voting: Hammond, Manning, McCallum, Nelson.
Total 4

That House Bill No. 666, as amended, be concurred in by the following vote:

Ayes: Berg, Boylan, S. Brown, Conover, Crippen, Eck, Etchart, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hazelbaker, Healy, Himsl, Jacobson, Lee, Manning, Mazurek, McCallum, Norman, O'Hara, Ryan, Stephens, Stimatz, Thomas, Towe, Tveit, Van Valkenburg.

Total 30

Noes: Aklestad, B. Brown, Dover, Elliott, Hafferman, Hammond, Johnson, Keating, Manley, Nelson, Ochsner, Olson, Regan, Severson, Smith, Story, Mr. President.
Total 17

Excused: Kolstad.
Total 1

Absent or not voting: Anderson, Blaylock.
Total 2

That the Committee rise and report and beg leave to sit again. (Galt, Chairman)

Senator Blaylock moved that House Bill No. 666 be segregated from the Committee of the Whole Report. Motion failed by the following vote:

Ayes: Berg, Blaylock, Eck, Haffey, Jacobson, Regan, Stephens, Mr. President.
Total 8

Noes: Aklestad, Anderson, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Ryan, Severson, Smith, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg.
Total 42

Excused: None.
Total 0

Absent or not voting: None.
Total 0

(Including the following pair: Blaylock, aye - Kolstad, no.)

Upon motion of Senator Galt, duly carried, the foregoing Report of the Committee of the Whole was adopted.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

House Bill No. 478, being a bonding bill requiring a two-thirds vote of the Legislature, was concurred in and returned to the House with the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Dover, Eck, Etchart, Galt, Goodover, Haffey, Hager, Halligan, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Lee, Manning, Mazurek, Nelson, Norman, O'Hara, Olson, Regan, Ryan, Stephens, Stimatz, Story, Thomas, Towe, Van Valkenburg, Mr. President.
Total 37

Noes: Crippen, Elliott, Graham, Hafferman, Hammond, Keating, Manley, McCallum, Ochsner, Severson, Smith, Tveit.
Total 12

Excused: Kolstad.
Total 1

Absent or not voting: None.
Total 0

House Bill No. 666 was concurred in by the following vote:

Ayes: Anderson, Berg, Blaylock, Boylan, S. Brown, Conover, Crippen, Eck, Etchart, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Kolstad, Lee, Manning, Mazurek, McCallum, Norman, O'Hara, Ryan, Stephens, Stimatz, Thomas, Towe, Tveit, Van Valkenburg.
Total 34

Noes: Aklestad, B. Brown, Dover, Elliott, Hafferman, Hammond, Keating, Manley, Nelson, Ochsner, Olson, Regan, Severson, Smith, Story, Mr. President.
Total 16

Excused: None.
Total 0

Absent or not voting: None.
Total 0

(Including the following pair: Kolstad, aye - Aklestad, no.)

The Conference Committee Report to Senate Bill No. 77 was adopted by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Lee, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 47

Noes: None.
Total 0

Excused: Kolstad.
Total 1

Absent or not voting: Boylan, Manley.
Total 2

The Conference Committee Report to Senate Bill No. 286 was adopted by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Lee, Manning, Mazurek, McCallum, Nelson, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 47

Noes: None.
Total 0

Excused: Kolstad.
Total 1

Absent or not voting: Manley, Norman.
Total 2

The Free Conference Committee Report to Senate Bill No. 42 was adopted by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, B. Brown, S. Brown, Conover, Crippen, Eck, Galt, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 40

Noes: Boylan, Dover, Elliott, Etchart, Goodover, Keating, Lee, Manley, Ryan.
Total 9

Excused: Kolstad.
Total 1

Absent or not voting: None.
Total 0

The Free Conference Committee Report to Senate Bill No. 129 was adopted by the following vote:

Ayes: Aklestad, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Lee, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 47

Noes: None.
Total 0

Excused: Kolstad.
Total 1

Absent or not voting: Anderson, Manley.
Total 2

The Free Conference Committee Report to Senate Bill No. 240 was adopted by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Lee, Manning, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 47

Noes: Manley, Mazurek.
Total 2

Excused: Kolstad.
Total 1

Absent or not voting: None.
Total 0

The Free Conference Committee Report to Senate Bill No. 243 was adopted by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Eck, Elliott, Etchart, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 41

Noes: Crippen, Dover, Galt, Hammond, Keating, Lee, Manley, Smith.
Total 8

Excused: Kolstad.
Total 1

Absent or not voting: None.
Total 0

The Free Conference Committee Report to Senate Bill No. 485 was adopted by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Lee, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 47

Noes: B. Brown.
Total 1

Excused: Kolstad.
Total 1

Absent or not voting: Manley.
Total 1

The Conference Committee Report to House Bill No. 580 was adopted by the following vote:

Ayes: Anderson, Berg, Blaylock, B. Brown, S. Brown, Conover, Crippen, Eck, Etchart, Galt, Graham, Hafferman, Haffey, Hager, Halligan, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Manning, Mazurek, McCallum, Nelson, Norman, O'Hara, Olson, Regan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 39

Noes: Aklestad, Boylan, Dover, Elliott, Goodover, Hammond, Manley, Ochsner, Ryan.
Total 9

Excused: Kolstad.
Total 1

Absent or not voting: Lee.
Total 1

The Free Conference Committee Report to House Bill No. 611 was adopted by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson,

Keating, Manning, Mazurek, Nelson, Norman, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stimatz, Story, Thomas, Tveit, Van Valkenburg, Mr. President.
Total 41

Noes: Boylan, Johnson, Lee, Manley, McCallum, Ochsner.
Total 6

Excused: Kolstad.
Total 1

Absent or not voting: Stephens, Towe.
Total 2

The Free Conference Committee Report to House Bill No. 646 was adopted by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 47

Noes: None.
Total 0

Excused: Kolstad.
Total 1

Absent or not voting: Lee, Manley.
Total 2

The Free Conference Committee Report to House Bill No. 652 was adopted by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, S. Brown, Conover, Dover, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Keating, Lee, Manning, Mazurek, Nelson, Norman, Ochsner, O'Hara, Olson, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Mr. President.
Total 40

Noes: Boylan, B. Brown, Crippen, Johnson, McCallum, Regan, Van Valkenburg.
Total 7

Excused: Kolstad.
Total 1

Absent or not voting: Eck, Manley.
Total 2

At the request of the President, and without objection, the Senate reverted to Order of Business No. 6.

MOTIONS

Senator Stephens moved, duly carried, that the Senate recess at the hour of 6:43 p.m. until the hour of 7:00 p.m.

At the request of the President, and without objection, the Senate reverted to Order of Business No. 5.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following Senate Bill was on 4/23/81, concurred in as amended, and returned to the Senate for concurrence in House Amendments:

Senate Bill No. 126, introduced by Severson (87-5)

The following Conference Committee Reports were on 4/23/81, adopted on Third Reading:

Conference Committee Report to Senate Bill No. 77 (92-0)

Conference Committee Report to Senate Bill No. 129 (87-4)

The Senate Amendments to the following House Bill were on 4/23/81, concurred in on Third Reading:

House Bill No. 871, introduced by Moore (86-5)

The Senate Amendments to the following House Joint Resolution were on 4/23/81, concurred in on Third Reading:

House Joint Resolution No. 66, introduced by D. Brown (90-3)

The Free Conference Committee Reports to the following House Bills were on 4/23/81, adopted on Third Reading:

Free Conference Committee Report to House Bill No. 652 (90-2)

Free Conference Committee Report to House Bill No. 611 (67-25)

The Free Conference Commmittee Reports to the following Senate Bills were on 4/23/81, adopted on Third Reading:

Free Conference Committee Report to Senate Bill No. 243

Free Conference Committee Report to Senate Bill No. 42

Free Conference Committee Report to Senate Bill No. 240

The following Senate Bill was on 4/23/81, concurred in and returned to the Senate:

Senate Bill No. 487, introduced by D. Manning (88-3)

The following Senate Joint Resolution was on 4/23/81, concurred in and returned to the Senate:

Senate Joint Resolution No. 36, introduced by Eck (81-11)

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Galt in the Chair.

Senate resumed. President Turnage in the Chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on Second Reading, recommend as follows:

That the Free Conference Committee Report on Senate Bill No. 483 be adopted by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham,

Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Kolstad.
Total 1

Absent or not voting: None.
Total 0

That the Conference Committee Report on House Bill No. 17 be adopted by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Kolstad.
Total 1

Absent or not voting: None.
Total 0

That the Free Conference Committee Report on House Bill No. 500 be adopted by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: Story.
Total 1

Excused: Kolstad.
Total 1

Absent or not voting: None.
Total 0

That House Amendments to Senate Bill No. 126 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Lee, Manley, Manning, Mazurek, McCallum,

Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Kolstad.
Total 1

Absent or not voting: None.
Total 0

That the Committee rise and report and beg leave to sit again. (Galt, Chairman)

Upon motion of Senator Galt, duly carried, the foregoing Report of the Committee of the Whole was adopted.

At the request of the President, and without objection, the Senate reverted to Order of Business No. 6.

MOTIONS

Senator Stephens moved, duly carried, that House Bill No. 868 be taken from Third Reading and placed on Second Reading this day.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

The Free Conference Committee Report to 'Senate Bill No. 483 was adopted by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Lee, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 44

Noes: Crippen, Dover, Hager, Keating.
Total 4

Excused: Kolstad.
Total 1

Absent or not voting: Manley.
Total 1

The Conference Committee Report to House Bill No. 17 was adopted by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 47

Noes: None.
Total 0

Excused: Kolstad.
Total 1

Absent or not voting: Graham, Smith.
Total 2

The Free Conference Committee Report to House Bill No. 500 was adopted by the following vote:

Ayes: Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Eck, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Keating, Kolstad, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Thomas, Towe, Tveit, Mr. President.
Total 41

Noes: Aklestad, Crippen, Dover, Elliott, Johnson, Lee, Manley, Story, Van Valkenburg.
Total 9

Excused: None.
Total 0

Absent or not voting: None.
Total 0

(Including the following pair: Kolstad, aye - Aklestad, no.)

House Amendments to Senate Bill No. 126 were concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Mr. President.
Total 47

Noes: Eck, Van Valkenburg.
Total 2

Excused: Kolstad.
Total 1

Absent or not voting: None.
Total 0

House Amendments to Senate Bill No. 355 were concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Galt, Goodover, Graham, Hafferman, Haffey, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Manning, Mazurek, Norman, O'Hara, Ryan, Severson, Stephens, Stimatz, Story, Thomas, Towe, Van Valkenburg, Mr. President.
Total 35

Noes: Elliott, Etchart, Hager, Johnson, Keating, Lee, Manley, McCallum, Nelson, Ochsner, Olson, Smith, Tveit.

Total 13

Excused: Kolstad.
Total 1

Absent or not voting: Regan.
Total 1

Governor's Amendments to House Bill No. 97 were concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Crippen, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Healy, Himsl, Jacobson, Johnson, Keating, Manning, Mazurek, McCallum, Norman, Ochsner, O'Hara, Olson, Ryan, Smith, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 38

Noes: Lee, Manley.
Total 2

Excused: Kolstad.
Total 1

Absent or not voting: Conover, Dover, Hazelbaker, Nelson, Regan, Severson, Stephens, Stimatz, Story.
Total 9

Governor's Amendments to House Bill No. 372 were concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Manning, Mazurek, McCallum, Nelson, Ochsner, O'Hara, Ryan, Smith, Stephens, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 41

Noes: Lee, Manley.
Total 2

Excused: Kolstad.
Total 1

Absent or not voting: Etchart, Norman, Olson, Regan, Severson, Stimatz.
Total 6

Governor's Amendments to House Bill No. 507 were concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 44

Noes: Dover, Keating, Lee, Manley.
Total 4

Excused: Kolstad.
Total 1

Absent or not voting: Regan.
Total 1

Governor's Amendments to House Bill No. 765 were concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Severson, Smith, Stephens, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 42

Noes: Hager, Lee, Manley, Olson, Ryan.
Total 5

Excused: Kolstad.
Total 1

Absent or not voting: Regan, Stimatz.
Total 2

At the request of the President, and without objection, the Senate reverted to Order of Business No. 6.

MOTIONS

Senator McCallum moved for a Call of the Senate, sufficient seconds being shown.

Sufficient progress having been made by the following roll call vote, the call was lifted:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Thomas, Towe, Van Valkenburg, Mr. President.
Total 45

Noes: Lee, Manley, Story, Tveit.
Total 4

Excused: Kolstad.
Total 1

Absent or not voting: None.
Total 0

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

House Bill No. 499 was not concurred in by the following vote:

Ayes: Dover, Eck, Graham, Hager, Hazelbaker, Himsl, Keating, Nelson, O'Hara, Regan, Towe.
Total 11

Noes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Elliott, Etchart, Galt, Goodover, Hafferman, Haffey, Halligan, Hammond, Healy, Jacobson, Johnson, Lee, Manley, Manning,

Mazurek, McCallum, Norman, Ochsner, Olson, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Tveit, Van Valkenburg, Mr. President.
Total 38

Excused: Kolstad.
Total 1

Absent or not voting: None.
Total 0

House Bill No. 563, being a Constitutional Amendment requiring a two-thirds vote of the Legislature, was concurred in and returned to the House with the following roll call vote:

Ayes: Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Eck, Elliott, Etchart, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Lee, Manley, Manning, Mazurek, Nelson, Norman, O'Hara, Olson, Ryan, Severson, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg.
Total 40

Noes: Aklestad, Dover, Hafferman, Keating, McCallum, Ochsner, Regan, Smith, Mr. President.
Total 9

Excused: Kolstad.
Total 1

Absent or not voting: None.
Total 0

House Bill No. 869 was concurred in by the following vote:

Ayes: Anderson, Berg, Blaylock, Boylan, S. Brown, Conover, Eck, Goodover, Graham, Haffey, Halligan, Hazelbaker, Healy, Jacobson, Kolstad, Lee, Manning, Mazurek, Nelson, Norman, O'Hara, Regan, Ryan, Stephens, Stimatz, Thomas, Towe, Van Valkenburg.
Total 28

Noes: Aklestad, B. Brown, Crippen, Dover, Elliott, Etchart, Galt, Hafferman, Hager, Hammond, Himsl, Johnson, Keating, Manley, McCallum, Ochsner, Olson, Severson, Smith, Story, Tveit, Mr. President.
Total 22

Excused: None.
Total 0

Absent or not voting: None.
Total 0

(Including the following pair: Kolstad, aye - Smith, no.)

House Bill No. 873 was concurred in by the following vote:

Ayes: Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Eck, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hazelbaker, Healy, Jacobson, Lee, Manning, Mazurek, Norman, Regan, Ryan, Stimatz, Thomas, Towe, Van Valkenburg.
Total 27

Noes: Aklestad, Anderson, Dover, Elliott, Etchart, Galt, Hammond, Himsl, Johnson, Keating, Manley, McCallum, Nelson, Ochsner, O'Hara, Olson, Severson, Smith, Stephens, Story, Tveit, Mr. President.

Total 22

Excused: Kolstad.
Total 1

Absent or not voting: None.
Total 0

House Bill No. 876 was concurred in by the following vote:

Ayes: Aklestad, Berg, Blaylock, Boylan, B. Brown, Conover, Dover, Eck, Elliott, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Manley, Manning, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Tveit.
Total 40

Noes: Anderson, S. Brown, Crippen, Etchart, Lee, Mazurek, Towe, Van Valkenburg, Mr. President.
Total 9

Excused: Kolstad.
Total 1

Absent or not voting: None.
Total 0

House Joint Resolution No. 34 was concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Halligan, Hammond, Hazelbaker, Healy, Jacobson, Johnson, Lee, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 44

Noes: Hager, Himsl, Keating, Manley, Ryan.
Total 5

Excused: Kolstad.
Total 1

Absent or not voting: None.
Total 0

House Joint Resolution No. 49 was concurred in by the following vote:

Ayes: Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Eck, Elliott, Etchart, Goodover, Hafferman, Haffey, Hager, Halligan, Hazelbaker, Healy, Jacobson, Johnson, Keating, Manning, Mazurek, McCallum, Norman, O'Hara, Regan, Severson, Smith, Stimatz, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 34

Noes: Aklestad, Anderson, Dover, Galt, Graham, Hammond, Himsl, Lee, Manley, Nelson, Ochsner, Olson, Ryan, Story.
Total 14

Excused: Kolstad.
Total 1

Absent or not voting: Stephens.
Total 1

At the request of the President, and without objection, the Senate reverted to Order of Business No. 8.

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Galt in the Chair.

Senate resumed. President Turnage in the Chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on Second Reading, recommend as follows:

That House Bill No. 868 be amended as follows:

1. Title, lines 9 and 10.
Following: "~~EARNINGS~~"
Strike: "HIGHWAY EARMARKED ACCOUNT"
Insert: "GENERAL FUND"

2. Title, line 11.
Following: "ACCOUNT"
Insert: "AND TO THE HIGHWAY EARMARKED ACCOUNT"

3. Page 1, line 16.
Following: line 15
Strike: "HIGHWAY EARMARKED account"
Insert: "that portion of the general fund received from the interest on the coal tax constitutional trust fund"

4. Page 1, line 18.
Strike: "$4,000,000"
Insert: "$2,000,000"

5. Page 1, line 19.
Strike: "$4,000,000"
Insert: "$2,000,000"

6. Page 2.
Following: line 13
Insert: "Section 3. General operations. There is appropriated to the highway earmarked account for the biennium ending June 30, 1983, $20,000,000 from that portion of the general fund received from the oil severance tax and the interest on the coal tax constitutional trust fund."

Amendments passed by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Keating, Lee, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Towe, Tveit, Van Valkenburg, Mr. President.
Total 45

Noes: Elliott, Johnson, Manley.
Total 3

Excused: Kolstad.
Total 1

Absent or not voting: Thomas.
Total 1

That House Bill No. 868, as amended, be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Kolstad.
Total 1

Absent or not voting: None.
Total 0

That the Committee rise and report and beg leave to sit again. (Galt, Chairman)

Upon motion of Senator Galt, duly carried, the foregoing Report of the Committee of the Whole was adopted.

THIRD READING OF BILLS

The following bill having been read three several times, title and history agreed to, was disposed of in the following manner:

House Bill No. 868 was concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Kolstad.
Total 1

Absent or not voting: None.
Total 0

At the request of the President, and without objection, the Senate reverted to Order of Business No. 6.

MOTIONS

Senator Stephens moved, duly carried, that the Senate recess at the hour of 8:28 p.m. until the hour of 8:40 p.m.

At the request of the President, and without objection, the Senate reverted to Order of Business No. 2.

REPORTS OF STANDING COMMITTEES

I have examined Senate Bill No. 50 introduced by me and find the same to be correct. (McCallum)

I have examined Senate Bill No. 221 introduced by me and find the same to be correct. (Van Valkenburg)

I have examined Senate Bill No. 238 introduced by me and find the same to be correct. (Story)

I have examined Senate Bill No. 258 introduced by me and find the same to be correct. (S. Brown)

I have examined Senate Bill No. 267 introduced by me and find the same to be correct. (Mazurek)

I have examined Senate Bill No. 298 introduced by me and find the same to be correct. (Hazelbaker)

I have examined Senate Bill No. 320 introduced by me and find the same to be correct. (Halligan)

I have examined Senate Bill No. 352 introduced by me and find the same to be correct. (Blaylock)

I have examined Senate Bill No. 356 introduced by me and find the same to be correct. (Blaylock)

I have examined Senate Bill No. 376 introduced by me and find the same to be correct. (S. Brown)

I have examined Senate Bill No. 399 introduced by me and find the same to be correct. (Manley)

I have examined Senate Bill No. 452 introduced by me and find the same to be correct. (Himsl)

I have examined Senate Bill No. 459 introduced by me and find the same to be correct. (E. Smith)

I have examined Senate Joint Resolution No. 34 introduced by me and find the same to be correct. (Hager)

I have examined Senate Joint Resolution No. 35 introduced by me and find the same to be correct. (Boylan)

BILLS (O'Hara, Chairman):

Correctly enrolled - SB 50, SB 221, SB 238, SB 258, SB 267, SB 298, SB 320, SB 352, SB 356, SB 376, SB 399, SB 452, SB 459, SJR 34, SJR 35. Report adopted.

The Senate will please take note that the President did, at the hour of 11:00 a.m., 4/23/81, sign the following bills:

SB 50, SB 221, SB 238, SB 258, SB 267, SB 298, SB 320, SB 352, SB 356, SB 376, SB 399, SB 452, SB 459, HB 27, HB 45, HB 261, HB 286, HB 445, HB 603, HB 692, HB 761, HB 841, HB 847, SJR 34, SJR 35, HJR 46.

Jean A. Turnage
President

I have examined Senate Bill No. 150 introduced by me and find the same to be correct. (Goodover)

I have examined Senate Bill No. 162 introduced by me and find the same to be correct. (Mazurek)

I have examined Senate Bill No. 200 introduced by me and find the same to be correct. (Lee)

I have examined Senate Bill No. 283 introduced by me and find the same to be correct. (Elliott)

I have examined Senate Bill No. 325 introduced by me and find the same to be correct. (Stephens)

I have examined Senate Bill No. 367 introduced by me and find the same to be correct. (Keating)

I have examined Senate Bill No. 426 introduced by me and find the same to be correct. (Himsl)

I have examined Senate Bill No. 460 introduced by me and find the same to be correct. (Graham)

BILLS (O'Hara, Chairman):
Correctly enrolled - SB 150, SB 162, SB 200, SB 283, SB 325, SB 367, SB 426, SB 460. Report adopted.

The Senate will please take note that the President did, at the hour of 7:00 p.m., 4/23/81, sign the following bills:
SB 150, SB 162, SB 200, SB 283, SB 325, SB 367, SB 426, SB 460, HB 429, HB 609, HB 676, HB 828, HJR 68.

Jean A. Turnage
President

MOTIONS

Senator Stephens moved that the Senate reconsider its action taken on House Bill No. 868 on Third Reading this day. Motion carried by the following vote:

Ayes: Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Eck, Etchart, Galt, Goodover, Hafferman, Haffey, Hager, Halligan, Hazelbaker, Healy, Himsl, Jacobson, Keating, Lee, Manning, Mazurek, Nelson, Norman, Ochsner, O'Hara, Olson, Ryan, Severson, Smith, Stephens, Stimatz, Thomas, Towe, Van Valkenburg, Mr. President.
Total 38

Noes: Aklestad, Dover, Elliott, Graham, Hammond, Johnson, Manley, McCallum, Story, Tveit.
Total 10

Excused: Kolstad.
Total 1

Absent or not voting: Regan.
Total 1

Senator Stephens moved, duly carried, that House Bill No. 868 be placed on Second Reading this day.

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Galt in the Chair.

Senate resumed. President Turnage in the Chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on Second Reading, recommend as follows:

That House Bill No. 868 be amended as follows:

That the following amendment of the Senate Committee of the Whole, dated April 23, 1981, be amended to read as follows:

6. Page 2.
Following: line 13
Insert: "Section 3. General operations. There is appropriated to the highway earmarked account for the biennium ending June 30, 1983, $17,150,000 from that portion of the general fund received from the oil severance tax and the interest on the coal tax constitutional trust fund. In the event the appropriation under [HB 869] of $2,850,000 is not effective by the end of the federal fiscal year 1982, the sum of $17,150,000 in the preceeding sentence shall be increased by the amount of the appropriation in [HB 869] not used."

Amendment passed by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Kolstad.
Total 1

Absent or not voting: None.
Total 0

That House Bill No. 868, as amended, be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Eck, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Lee, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Van Valkenburg, Mr. President.
Total 45

Noes: Dover, Elliott, Manley, Tveit.
Total 4

Excused: Kolstad.
Total 1

Absent or not voting: None.
Total 0

That the Committee rise and report and beg leave to sit again. (Galt, Chairman)

Upon motion of Senator Galt, duly carried, the foregoing Report of the Committee of the Whole was adopted.

At the request of the President, and without objection, the Senate reverted to Order of Business No. 6.

MOTIONS

Senator Stephens moved that the Senate reconsider its action taken on House Bill No. 869 on Third Reading this day. Motion carried by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Lee, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Stephens, Stimatz, Story, Thomas, Towe, Van Valkenburg, Mr. President.
Total 44

Noes: Elliott, Keating, Manley, Smith, Tveit.
Total 5

Excused: Kolstad.
Total 1

Absent or not voting: None.
Total 0

Senator Stephens moved, duly carried, that House Bill No. 869 be placed on Second Reading this day.

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Galt in the Chair.

Senate resumed. President Turnage in the Chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on Second Reading, recommend as follows:

That House Bill No. 869 be amended as follows:

1. Page 4, line 23.
Following: "facility."
Insert: "In the event the funding provided by Congress is less than $6,000,000 in the federal fiscal year 1982, the appropriation shall lapse and shall have no effect and the funds shall be available for use as provided in [HB 868]."

Amendment passed by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Kolstad.
Total 1

Absent or not voting: None.
Total 0

That House Bill No. 869, as amended, be concurred in by the following vote:

Ayes: Anderson, Berg, Blaylock, Boylan, S. Brown, Conover, Eck, Galt, Goodover, Graham, Haffey, Halligan, Hazelbaker, Healy, Jacobson, Manning, Mazurek, Nelson, Norman, O'Hara, Regan, Ryan, Stephens, Stimatz, Thomas, Towe, Van Valkenburg.
Total 27

Noes: Aklestad, B. Brown, Crippen, Dover, Elliott, Etchart, Hafferman, Hager, Hammond, Himsl, Johnson, Keating, Manley, McCallum, Ochsner, Olson, Severson, Smith, Story, Tveit.
Total 20

Excused: Kolstad.
Total 1

Absent or not voting: Lee, Mr. President.
Total 2

That the Committee rise and report and beg leave to sit again. (Galt, Chairman)

Upon motion of Senator Galt, duly carried, the foregoing Report of the Committee of the Whole was adopted.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

House Bill No. 868 was concurred in by the following vote:

Ayes: Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Eck, Etchart, Galt, Goodover, Graham, Haffey, Halligan, Hazelbaker, Healy, Jacobson, Lee, Manning, Mazurek, Nelson, Norman, O'Hara, Ryan, Stephens, Stimatz, Thomas, Towe, Van Valkenburg, Mr. President.
Total 30

Noes: Aklestad, Crippen, Dover, Elliott, Hafferman, Hager, Hammond, Himsl, Johnson, Keating, Manley, McCallum, Ochsner, Olson, Severson, Smith, Story, Tveit.
Total 18

Excused: Kolstad.
Total 1

Absent or not voting: Regan.
Total 1

House Bill No. 869 was concurred in by the following vote:

Ayes: Anderson, Berg, Blaylock, Boylan, S. Brown, Conover, Eck, Goodover, Graham, Haffey, Halligan, Hazelbaker, Healy, Jacobson, Kolstad, Lee, Manning, Mazurek, Nelson, Norman, O'Hara, Regan, Ryan, Stephens, Stimatz, Thomas, Towe, Van Valkenburg.
Total 28

Noes: Aklestad, B. Brown, Crippen, Dover, Elliott, Etchart, Galt, Hafferman, Hager, Hammond, Himsl, Johnson, Keating, Manley, McCallum, Ochsner, Olson, Severson, Smith, Story, Tveit, Mr. President.
Total 22

Excused: None.

Total 0

Absent or not voting: None.
Total 0

(Including the following pair: Kolstad, aye - Smith, no.)

At the request of the President, and without objection, the Senate reverted to Order of Business No. 6.

MOTIONS

Senator B. Brown moved that the Senate concur in House Amendments to Senate Bill No. 483. Motion carried by the following vote:

Ayes: Aklestad, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 41

Noes: Anderson, Crippen, Dover, Hager, Keating, Lee, Manley, Olson.
Total 8

Excused: Kolstad.
Total 1

Absent or not voting: None.
Total 0

Senator Stephens moved that the Joint Rules of the Forty-seventh Legislative Session be temporarily suspended in order to permit the adoption of a new Senate Rule. Motion carried by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Lee, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Van Valkenburg, Mr. President.
Total 46

Noes: Manley, Tveit.
Total 2

Excused: Kolstad.
Total 1

Absent or not voting: S. Brown.
Total 1

Senator Stephens moved that the Senate adopt a new rule S8-3 to provide that the President shall be authorized to approve the final payment for the printing of the Journal of the Senate for the Forty-seventh Legislature. Motion carried by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Lee, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Van Valkenburg, Mr. President.

Total 47

Noes: Manley, Tveit.
Total 2

Excused: Kolstad.
Total 1

Absent or not voting: None.
Total 0

Senator Stephens moved that the following new Joint Rule be adopted: For the purpose of the Forty-seventh Legislature, any bill that has passed both houses of the Legislature by the Ninetieth Day may be enrolled, clerically corrected by the presiding officers, signed by the presiding officers, and delivered to the Governor not later than five days thereafter. All Journal entries authorized under this rule as announcements will be entered on the Journal for the Ninetieth Day. Motion carried by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Lee, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Kolstad.
Total 1

Absent or not voting: Manley.
Total 1

Senator Stephens moved, duly carried, that the President be authorized to appoint a committee of four to notify His Excellency, the Governor, that the Senate of the Forty-seventh Legislature of the State of Montana, has completed its business and is ready to adjourn sine die.

The President appointed the following committee:

Senator Graham
Senator Manning
Senator McCallum
Senator Smith

Senator Stephens moved, duly carried, that the President be authorized to appoint a committee of four to notify the House of Representatives that the Senate of the Forty-seventh Legislature of the State of Montana has completed its business and is ready to adjourn sine die.

The President appointed the following committee:

Senator Hazelbaker
Senator Story
Senator Norman
Senator Boylan

Senator Stephens moved, duly carried, that the President be authorized to appoint a committee of four to notify the Chief Justice and Justices of

the Supreme Court, that the Senate of the Forty-seventh Legislature of the State of Montana, has completed its business and is ready to adjourn sine die.

The President appointed the following committee:

Senator Crippen
Senator B. Brown
Senator S. Brown
Senator Van Valkenburg

Senator Stephens moved, duly carried, that the Senate stand at ease at 10:36 p.m., subject to the Call of the Chair.

At the request of the President, and without objection, the Senate reverted to Order of Business No. 3.

REPORTS OF SELECT COMMITTEES

FREE CONFERENCE COMMITTEE ON SENATE BILL NO. 337
Report No. 1, April 23, 1981

MR. PRESIDENT AND SPEAKER OF THE HOUSE:

We, your Free Conference Committee on Senate Bill No. 337, met April 23, 1981, and considered:

House Committee of the Whole Amendments to the third reading copy, dated April 22, 1981, and recommend as follows:

That the House recede from Committee Amendment Nos. 1 through 14;

That the Senate accede to Committee Amendment No. 15;

That the third reading copy of Senate Bill No. 337 be further amended as specified in CLERICAL INSTRUCTIONS NOS. 2 through 5;

That the third reading copy of Senate Bill No. 337 read as specified in the CLERICAL INSTRUCTIONS;

And, that the Free Conference Committee Report on Senate Bill No. 337 be adopted.

CLERICAL INSTRUCTIONS:

1. Page 6, line 4.
Following: "exceed"
Strike: "$400"
Insert: "$150"

2. Page 1, line 19.
Following: "income"
Insert: "except all payments received under federal social security"

3. Page 2, line 3.
Following: "relief;"
Insert: "and"

4. Page 2, lines 4 and 5.
Strike: subsection (g)
Renumber: subsequent subsection

5. Page 2, line 19.
Following: "all income"

Insert: "except payments received under federal social security"

FOR THE SENATE:

Senator B. Brown, Chairman
Senator Hazelbaker
Senator Regan

FOR THE HOUSE:

Representative Nordtvedt, Chairman
Representative Fabrega
Representative Harrington

Report adopted.

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Galt in the Chair.

Senate resumed. President Turnage in the Chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on Second Reading, recommend as follows:

That the Free Conference Committee Report on Senate Bill No. 337 be adopted by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Kolstad.
Total 1

Absent or not voting: None.
Total 0

That the Committee rise and report. (Galt, Chairman)

Upon motion of Senator Galt, duly carried, the foregoing Report of the Committee of the Whole was adopted.

THIRD READING OF BILLS

The following bill having been read three several times, title and history agreed to, was disposed of in the following manner:

The Free Conference Committee Report to Senate Bill No. 337 was adopted by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Lee, Manley, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 47

Noes: Elliott.
Total 1

Excused: Kolstad.

Total 1

Absent or not voting: Manning.
Total 1

At the request of the President, and without objection, the Senate reverted to Order of Business No. 2.

REPORTS OF STANDING COMMITTEES

BILLS (O'Hara, Chairman):
Correctly enrolled - SB 33, SB 42, SB 77, SB 126, SB 129, SB 240, SB 243, SB 257, SB 286, SB 337, SB 355, SB 483, SB 485, SB 487, SJR 36. Report adopted.

Signed by the Speaker of the House and President of the Senate, 4/23/81, at the hour of 11:30 p.m., delivered to the Governor for his approval SB 50, SB 150, SB 162, SB 200, SB 221, SB 238, SB 258, SB 267, SB 283, SB 298, SB 320, SB 325, SB 352, SB 356, SB 367, SB 376, SB 399, SB 426, SB 452, SB 459, SB 460. Report adopted.

Signed by the Speaker of the House and President of the Senate, on this Ninetieth Legislative Day, delivered to the Governor for his approval - SB 33, SB 42, SB 77, SB 126, SB 129, SB 240, SB 243, SB 257, SB 286, SB 337, SB 355, SB 483, SB 485, SB 487. Report adopted.

The Senate will please take note that the President did, at the hour of 11:25 p.m., 4/23/81, sign the following bills:
HB 718, HB 775, HB 835, HB 872, HB 213.

Jean A. Turnage
President

The Senate will please take note that the President did, on the Ninetieth Legislative Day, sign the following bills:
SB 33, SB 42, SB 77, SB 126, SB 129, SB 240, SB 243, SB 257, SB 286, SB 337, SB 355, SB 483, SB 485, SB 487, HB 9, HB 17, HB 34, HB 38, HB 97, HB 212, HB 215, HB 225, HB 350, HB 367, HB 372, HB 389, HB 474, HB 478, HB 500, HB 507, HB 510, HB 558, HB 563, HB 580, HB 611, HB 646, HB 652, HB 666, HB 709, HB 765, HB 827, HB 868, HB 873, HB 874, HB 876, SJR 36, HJR 34, HJR 49, HJR 66.

Jean A. Turnage
President

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Free Conference Committee Report to the following House Bill was on 2/25/81, adopted on Third Reading:

Free Conference Committee Report to House Bill No. 94

The Free Conference Committee Report to the following House Bill was on 4/23/81, adopted on Third Reading:

Free Conference Committee Report to House Bill No. 202

The Free Conference Committee on Senate Amendments to House Bill No. 636 made a motion that House Bill No. 636 be passed until the 91st Day. The motion was passed.

The Conference Committee Report to the following House Bill was on 4/23/81, adopted on Third Reading:

Conference Committee Report to House Bill No. 775

The new Free Conference Committee Report to the following House Bill was on 4/23/81, adopted on Third Reading:

New Free Conference Committee Report to House Bill No. 500

The House on 4/23/81, recommended that further action be indefinitely postponed on the following Senate Joint Resolution, and the said Senate Joint Resolution was returned to the Senate:

Senate Joint Resolution No. 23, introduced by Senate Committee on Taxation

The House on 4/23/81, authorized the Speaker to appoint a Free Conference Committee on House Amendments to Senate Bill No. 337.

The Speaker appointed the following members:

Representative Nordtvedt, Chairman
Representative Fabrega
Representative Harrington

House Bill No. 225, introduced by Ellison, requiring adoption by an affirmative vote of two-thirds of the Legislature, passed the House on 4/23/81, and was transmitted to the Senate with the following vote:

HOUSE OF REPRESENTATIVES

YEAS - 67
NAYS - 30

The Free Conference Committee Report to the following House Bill was on 4/23/81, adopted on Third Reading:

Free Conference Committee Report to House Bill No. 500

The Conference Committee Report to the following House Bill was on 4/23/81, adopted on Third Reading:

Conference Committee Report to House Bill No. 17

The Senate Amendments to the following House Bill were on 4/23/81, concurred in on Third Reading:

Senate Amendments to House Bill No. 225 (69-21)

The following Free Conference Committee Report was on 4/23/81, not concurred in on Third Reading:

Free Conference Committee Report to Senate Bill No. 483

House Bill No. 233, introduced by Moore, requiring adoption by an affirmative vote of two-thirds of the Legislature, failed to pass on 4/23/81, and was transmitted to the Senate with the following vote:

HOUSE OF REPRESENTATIVES

YEAS - 63
NAYS - 35

The Free Conference Committee Report to the following Senate Bill was on 4/23/81, adopted on Third Reading:

Free Conference Committee Report on Senate Bill No. 337

The Senate Amendments to the following House Bills were on 4/23/81, concurred in on Third Reading:

Senate Amendments to House Bill No. 868 (82-4)

Senate Amendments to House Bill No. 666 (60-26)

The Senate Amendments to the following House Joint Resolution were on 4/23/81, concurred in on Third Reading:

Senate Amendments to House Joint Resolution No. 34 (81-6)

The Senate Amendments to the following House Bill were on 4/23/81, not concurred in on Third Reading:

Senate Amendments to House Bill No. 869

At the request of the President, and without objection, the Senate reverted to Order of Business No. 1.

COMMUNICATIONS AND PETITIONS

April 22, 1981

MEMORANDUM

TO: Don Byrd, Chief Clerk of the House

FROM: Robert L. Marks, Speaker of the House

RE: Committee Appointment

This is to advise that I have appointed Representative Aubyn Ann Curtiss to serve on the Legislative Energy Policy Committee pursuant to Section 90-4-303, Montana Codes Annotated.

April 23, 1981

Speaker Robert L. Marks

Minority Leader of the House Daniel Kemmis

Minority Leader of the Senate Chet Blaylock

This letter is to advise you that pursuant to Section 90-4-303, I hereby designate Senator Harold L. Dover as a member of the Legislative Energy Policy Committee.

Sincerely,

J. A. Turnage,
President of the Senate

MOTIONS

Senator Van Valkenburg moved that the Senate request the House to return House Bill No. 869 for further consideration. Motion carried by the following vote:

Ayes: Anderson, Berg, Blaylock, Boylan, S. Brown, Conover, Dover, Eck, Galt, Goodover, Hafferman, Haffey, Hager, Halligan, Hammond, Healy, Jacobson, Johnson, Lee, Manning, Mazurek, Norman, O'Hara, Regan, Ryan, Stephens, Stimatz, Story, Thomas, Towe, Van Valkenburg, Mr. President.
Total 32

Noes: Aklestad, B. Brown, Crippen, Elliott, Etchart, Himsl, Keating, Manley, McCallum, Nelson, Ochsner, Olson, Severson, Smith, Tveit.
Total 15

Excused: Kolstad.
Total 1

Absent or not voting: Graham, Hazelbaker.
Total 2

At the request of the President, and without objection, the Senate reverted to Order of Business No. 3.

REPORTS OF SELECT COMMITTEES

Senator Story reported that the Committee had informed the House of Representatives that the Senate had completed its business and was ready to adjourn sine die. The Committee was discharged with thanks.

Senator B. Brown reported that the Committee had informed the Chief Justice and the Justices that the Senate had completed its business and was ready to adjourn sine die. The Committee was discharged with thanks.

Senator McCallum reported that the Committee had informed His Excellency, the Governor, that the Senate had completed its business and was ready to adjourn sine die. The Committee was discharged with thanks.

MOTIONS

Upon motion of Senator Stephens, duly carried, the Senate adjourned sine die at 12:08 a.m.

April 24, 1981

The Honorable Jean A. Turnage
President of the Senate
State Capitol
Helena, Montana 59620

Dear Mr. President:

This is to inform you that I have signed the following measures this date:

Senate Bill Nos. 85, 253, 49, 58, 461.

Sincerely,

TED SCHWINDEN
Governor

April 29, 1981

The Honorable Jean A. Turnage
President of the Senate
State Capitol
Helena, Montana 59620

Dear Mr. President:

This is to inform you that I have signed the following measures this date:

Senate Bill Nos. 210, 199, 377, 78, 161, 152, 322, 269, 361, 200, 356, 422, 50, 376, 459, 399, 426, 367, 452, 221, 320, 150, 352, 238, 325, 258, 162, 267.

Sincerely,

TED SCHWINDEN

Governor

May 1, 1981

The Honorable Jean A. Turnage
President of the Senate
State Capitol
Helena, Montana 59620

Dear Mr. President:

This is to inform you that I have signed the following measures this date:

Senate Bill Nos. 240, 126, 485, 129, 460, 286, 33, 243, 487, 337, 77, 257, 42.

Sincerely,

TED SCHWINDEN
Governor

May 7, 1981

The Honorable Jean A. Turnage
President of the Senate
State Capitol
Helena, Montana 59620

Dear Mr. President:

This is to inform you that I have signed the following measures this date:

Senate Bill Nos. 283, 355.

Sincerely,

TED SCHWINDEN
Governor

May 8, 1981

The Honorable Jean A. Turnage
President of the Senate
State Capitol
Helena, Montana 59620

The Honorable Robert L. Marks
Speaker of the House
State Capitol
Helena, Montana 59620

Dear Senator Turnage and Representative Marks:

In accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby veto Senate Bill No. 298, "AN ACT TO PREVENT THE ADOPTION OF AGENCY RULES THAT WOULD IMPLEMENT LEGISLATION PREVIOUSLY DEFEATED BY THE LEGISLATURE; AND AMENDING SECTION 2-4-305, MCA," for the following reasons.

Senate Bill 298 as passed, allows the Administrative Code Committee to object to an agency's proposed rule and prevent its adoption if the rule is identical to, or implements any portion of, a bill previously rejected by either house of the legislature during two previous legislative sessions. While the bill is conceptually attractive, practical problems associated with its implementation render it unacceptable.

Senate Bill 298 does not place specific and responsible limitations on agency rulemaking. Instead, it proposes an overly broad limitation on rulemaking based on a past legislature's rejection of a bill. In this respect, Senate Bill 298 requires an agency's staff to possess a clear knowledge of all defeated bills, and more significantly the reasons for their defeat. In order for SB 298 to work effectively, an indexed codification of defeated bills with their legislative histories must be prepared and made available to the executive agencies. Since such a codification is not provided by SB 298, the task it imposes is virtually impossible to accomplish.

Constitutionally the lawmaking process requires, at a minimum, a majority vote of the legislature to pass each bill. SB 298 establishes a novel and undemocratic precedent whereby rejection of a bill by one house can have as binding an effect on an agency as a bill passed by a constitutional majority of the Legislature. SB 298 encourages tyranny by the minority. An attempt to restrict agency rulemaking by legislative 'inaction' is an affront to principles set forth by the Montana Constitution.

The solution provided by SB 298 to address alleged rulemaking abuses of the past poses more problems than solutions. If executive agencies abuse their rulemaking authority, that authority should be legislatively curtailed or more clearly defined.

For these reasons, I hereby veto SB 298.

Sincerely,

TED SCHWINDEN
Governor

May 18, 1981

The Honorable Jean A. Turnage
President of the Senate
State Capitol
Helena, Montana 59620

The Honorable Robert L. Marks
Speaker of the House
State Capitol
Helena, Montana 59620

Dear Senator Turnage and Representative Marks:

In accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby veto Senate Bill No. 483, "AN ACT TO CLARIFY THE CLASSIFICATION OF LANDS AND IMPROVEMENTS FOR PURPOSES OF PROPERTY TAXATION; ADDING CLASSES FOR RESIDENTIAL PROPERTY, COMMERCIAL AND INDUSTRIAL PROPERTY, AND OTHER REAL PROPERTY AND IMPROVEMENTS AND A RESIDUAL CLASS FOR PROPERTY NOT OTHERWISE COVERED; CLARIFYING THE ROLE OF THE DEPARTMENT OF REVENUE IN THE CLASSIFICATION AND APPRAISAL PROCESS; AMENDING SECTIONS 15-1-101,

15-6-101, 15-6-133, 15-6-134, 15-6-140, 15-6-151, 15-7-101 THROUGH 15-7-103, 15-8-111, 15-24-1102, AND 15-24-1103, MCA; AND PROVIDING AN APPLICABILITY DATE AND AN IMMEDIATE EFFECTIVE DATE," for the following reasons.

Senate Bill 483, as introduced, addressed the problem of the so-called "34% Cases" involving challenges to the assessment of commercial and industrial property. The bill established separate classes for residential property with three or fewer family dwelling units, and for commercial and industrial property. In considering the bill, the Legislature made several substantial amendments that render SB 483 unacceptable.

The amendments to Section 15-7-102, MCA, limit taxable value for residential property and commercial and industrial property to no more than 5% of current market value. Current market value would be determined by an appraiser acceptable to both the Department of Revenue and the taxpayer. This percentage approach defeats the concept of a 'cyclic valuation' where market values are fixed for the cycle period. Under the proposed amendments, the valuation of affected property would change annually as market value fluctuates. The burden would be on each taxpayer to seek tax appeal board review if they wished to contest the valuation based on this "percentage" approach. This procedure will result in both administrative and legal costs to the taxpayer and the state. The benefits of this amendment will flow to the large and sophisticated taxpayer, individual and corporate ... not to the average Montanan.

Analysis by the Department of Revenue indicates that a substantial portion of residential property and commercial and industrial property would be subject to a reduction in taxable value, thereby reducing the local government tax base. The local government tax base has already been seriously eroded.

The treatment of Senate Bill 483 by the Legislature reflects a failure to come to grips with the property valuation problem that exists in Montana. The Legislature failed to fund the reappraisal program and proposed instead a cumbersome, inequitable and costly alternative that would require Department personnel to spend much of their time representing the Department on appeals of taxable value before tax appeal boards.

In summary, since this legislation does not improve Montana's property tax system, and threatens the revenue base of local governments, I reluctantly veto SB 483.

Sincerely,

TED SCHWINDEN
Governor

JEAN A. TURNAGE
President of the Senate

JOHN W. LARSON
Secretary of the Senate

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